MEMOIRS

JOHN H. REAGAN

WM. V. STONE

Grand Junction, Colo.

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MEMOIRS BY JOHN H. REAGAN

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John H. Regan

FRONTISPIECE

MEMOIRS

WITH SPECIAL REFERENCE TO SECESSION AND THE CIVIL WAR

BY

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BY MOLLIE FORD REAGAN

This volume is dedicated with reverential respect

TO THE PATRIOTS

who, in the council and on the field, pledged life and fortune to the Cause of the Confederate States of America;

TO THE DAUGHTERS OF THE CONFEDERACY

who, endowed with the self-sacrificing virtues of their noble mothers, are doing so much for the preservation and perpetuation of the true history of the causes and conduct of the War between the States; and

TO THE SONS OF CONFEDERATE VETERANS

upon whom devolves the grave duty of vindicating their fathers against the calumny of rebellion and treason, and upon whose wisdom and patriotism largely rests the hope of this great Republic.

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AUTHOR'S PREFACE

In offering to the public my Memoirs, it is proper for me to state the purposes which induced me to undertake their preparation. First, my hope is that by example I may stimulate youthful readers to honorable aspirations; and second, it is my desire to show by authentic documents, Confederate and Federal, the justice of the cause of the late Confederate States. Subsidiary to these two purposes is one which I think has been partially fulfilled—to give a more or less connected record of the events of my own time.

It is not the purpose of the author to revive the controversies of the past, but simply to perform what he believes to be a duty to a brave, self-sacrificing and patriotic people. My own record since the war, whether as a private citizen or as a State or Federal official, shows, I think, that I accepted in good faith the legitimate results of the war, and that I have constantly sought to promote the welfare of the whole country. It is my country—I am proud of it, and rejoice in its achievements. While at times I am somewhat disheartened by the apparent changes in the character and administration of the Federal Government from what they were in my early political experience, I still look forward hopefully to the time when they shall be brought back to their original simplicity and purity. And I cannot avoid a somewhat painful solicitude as to the future of the growing conflict between labor and capital.

With material at hand which would have required a number of volumes, I submit this one, for want of time and means to complete a more extended and systematic work, with a full knowledge of its imperfections.

My endeavor has been to conform to the truth of history, and to make no truce with error by compromise. And while

dealing to some extent with controverted questions, I try to be just and fair, invoking the charitable judgment of those who may read it.

If a question should be made as to the propriety of my embracing in the book a number of my speeches and letters of the past, I offer as a reason for this that they present a living portraiture of most important events, drawn when they were occurring, and are not an afterthought designed to sustain a theory. They convey a clearer idea of the events referred to than could be expected from statements made at this time in relation to them.

EDITOR'S PREFACE

It was with considerable trepidation that I undertook to edit Judge Reagan's manuscript. This was in part due to my great respect for his ability and character, but above all to my fear that the inherent difficulties of the task would prove in a degree insuperable.

Four months at Fort Houston in daily contact with the Nestor of Southern statesmen have only served to add to my appreciation of the man, and therefore to impress me more deeply with the seriousness of my undertaking. His constructive genius for government, his whole-souled devotion to duty, his firm adherence to principle, his unswerving attachment to his friends, his intense belief in the rightfulness of the cause of the South, the solidarity of his achievements—all lead me to bow reverently before the summing up of so much of the labors of his life as is shown in this volume.

As for the difficulties which were anticipated, I think it may be safely said that they have been in the main surmounted. It is due to the author and myself to state that the text of the work is Judge Reagan's; and that I edited it no further than was deemed necessary for clearness. My theory has been that the story and its telling should be his—that, in a sense, is the man. The stylistic qualities of rugged forcefulness, of incisive vernacular, in his writings, are indices of his nature.

Texas, the South, the Union ought to be proud of the grand "Old Roman," as he has been called. Handicapped by poverty and lack of education he began the business of life in the wilds of Texas while it was still a Republic, and in time rose from surveyor to legislator, from district judge to Congressman, from Congressman to Postmaster-General of the Confederacy. The best of him was given to the "Lost Cause"—and there lies the

heart of his *Memoirs*. His later career in the House and Senate of the United States was conspicuous in its many-sided activity, and his service as chairman of the Commerce Committee was characterized by an intense interest in the commercial welfare of the whole country.

Not the least of the sacrifices which the Senator has made in responding to the call of the State was his resigning from the Senate to accept the post of chairman of the Texas Railroad Commission. And here his public service ended. Truly may it be said that he is

"One who never turned his back but marched breast forward,
Never doubted clouds would break,
Never dreamed, tho' right were worsted, wrong would triumph,
Held we fall to rise, are baffled to fight better,
Sleep to wake."

INTRODUCTION

The Civil War has been by no means an experience wholly evil for the South. Out of its wreck and ruin have come a clearer understanding and a deeper sense both of the strength and the weakness of Southern civilization, and it thus remains an invaluable lesson to all who are concerned in its results. One of the best things, however, that have come of it is the thoroughly tested character of some of the leaders in council and in the field on both sides during that period of storm and stress. This is a matter of supreme social consequence; for the heroes of a people establish its standards of conduct and of aspiration. And one of the happiest results of the reconciliation of North and South and the growing sense of harmony in the true interests and ideals of the sections is that pride in the achievements of the really great men whom the war brought to the front is no longer confined to one part of the United States for some and to another for the rest, but has become an uplifting influence that pervades the entire nation.

Among those on whom the severe tests of the last half century have left the indubitable stamp of greatness is John H. Reagan. While yet living he had won a place among the foremost in the reverential regard of those who knew him; and with the lapse of time, as the perspective grows clearer and his work is better understood, he must be seen in a still more favorable light. None was more unfaltering in his adherence to principle, none more consistent in his devotion to the popular interest or more effective in its support; and, though his efforts often ended in failure, his strength and capacity for leadership are beyond question.

But some will say that his most strenuous efforts were put forth to destroy the Union, and that the people of the nation

cannot therefore join in doing honor to his memory or commending his conduct to the young men and boys of America as worthy of imitation. Such an argument, however, involves an assumption concerning his motives that is at once inaccurate and unfair. He loved the Union with all the warmth of his patriotic nature, and no man was further than he from seeking its dissolution as an end in itself. He would consent to dissolve it only for the sake of what was to him a still higher ideal—the sovereignty of the States. Considering his point of view and the conditions under which his political philosophy took shape, there needs no elaborate disquisition on the constitutional law of the United States to show the injustice of regarding his attitude as treasonable. Nor should it be forgotten that, when his theory of the nature of the Union, already weakened by natural economic and political tendencies toward centralization, went down before the strongest on the battlefield, he accepted the result in good faith and remained a loyal American citizen. To himself, this was no enforced conversion, but simply steadfastness to one of the prime articles of his old political creed. The fact which stands dominant in determining the significance of his career is that he was faithful to his convictions. No true man can be less; and herein his example commends itself to all.

Judge Reagan did not come of the aristocratic slave-holding class of the Old South, but was born and reared in comparative poverty. No strong bond, therefore, of material interest held him to the spot of his birth, and in early youth the search for larger opportunity carried him to Texas. What difficulties he had there to overcome, and how he achieved success in spite of them all, is clearly evident from his own narrative, which need not be anticipated here.

Suffice it to say that his environment was such as strongly to develop his native instinct of rugged self-dependence, and this became one of his most prominent characteristics. He was always ready to take upon himself the burdens of others, but he sought no help in carrying his own. None ever accepted

such responsibilities as fell to him with greater bravery and determination, or bore them in manlier fashion. It was no vain show of loyalty, but consistent obedience to the dictates of his heart and conscience that led him to ask, when he was captured along with President Davis, that he might share the fortunes of his fallen chief. How little of demagoguery or selfish ambition was in him is shown by his Fort Warren letter, whose distasteful advice to the people of Texas seemed at the time to have broken completely the hold of its writer upon them, and by his refusal to accept the governorship of the State by appointment of the Federal authorities during the period of Reconstruction.

Judge Reagan died without an apology for his record, and in complete willingness to be judged thereby. The impartial verdict of history may find in it mistakes, but no cowardice or conscious wrong. May his type of pure, robust, and strenuous manhood never fail among those for whom his work was done.

George P. Garrison.

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CHAPTER I

Youth and Early Experiences

I was born in Sevier County, Tennessee, on the 8th day of October, 1818, and was the first child of a family of six, five sons and one daughter. My father's name was Timothy R. Reagan; my mother's maiden name was Elizabeth Lusk. Of the four lines of my ancestors, the Reagans were Irish, the Lusks, English; the Robertses, Welsh, and the Schutzes, German. Each of these branches was living in the American colonies prior to the Revolution. Members of each of these families came over the mountains into what is now Tennessee, then a part of the State of North Carolina. My great-grandfather, Timothy Reagan, was a soldier in the Revolution, and was seriously wounded at the battle of Brandywine. Later, he removed to what was then called the West and aided in the building of Lawson's Fort, on a site about four miles from the present town of Sevierville, when the Indians still occupied that country. It was the first fort built in that quarter, now Sevier County; and my grandfather, Richard Reagan, was one of the first white children born there. My father and I were also born in the same neighborhood.

In my youth, when not at school,—and I first attended Nancy Academy at Sevierville,—I worked in my father's tanyard; and later, when his fortunes were changed, on his farm. My father became involved in financial troubles, and was unable to give his children such education as he had

intended. When I was about sixteen years of age I undertook the task of securing an education, and began it by hiring myself to Major John Walker for one year at farm work, at nine dollars a month, payable in corn at two shillings a bushel. This corn I sold at twenty-five cents, which reduced my pay to but a little over seven dollars per month. With the proceeds of the sale of my corn I purchased clothing and books, which by working Saturdays, and mornings and evenings to pay for my board, enabled me to attend Boyd's Creek Academy two sessions.

At the end of the second session John Brabson employed me to take a flatboat load of produce for him down the French Broad and Tennessee rivers to north Alabama. I was fortunate in finding a good market for the produce, and sold it and the boat. He then engaged me for twelve months to take charge of a large set of flouring and saw mills. The earnings of that year enabled me to attend the Marysville Seminary (now college) for two sessions. On returning to Sevier County my old employer, Major Walker, engaged me for a few months as salesman and bookkeeper in his country store at Fair Garden. In order to obtain more profitable employment to enable me to graduate from the Seminary, I went south, floating down the French Broad and Tennessee rivers in a flatboat to Decatur, Alabama.

There a Mr. Bishop, with whom I had become acquainted, proposed to take me in partnership with him in the retail liquor business, he to furnish house, fixtures and liquors, and I to attend to sales, the profits to be divided equally between us. I declined his proposition, which would have yielded me a handsome income, because I did not wish to engage in that sort of business, or to be brought in contact with the people who for the most part frequent such places.

From Decatur I took my first ride on a railroad to Tuscumbia, Alabama; thence, partly by stage coach, and partly on foot I made my way to Memphis, Tennessee, which was then (the winter of 1838) but a village of small houses scattered upon a bluff of the Mississippi River. From

Memphis I took deck passage on a passenger steamboat, and reached the city of Natchez with fifty cents in my pocket. I visited a number of business houses, seeking employment, but was told by those in authority that the cotton season was far advanced and that they needed no additional help.

After tramping some time I came to the store of a gentleman, who I afterwards learned had gone through such an experience as I was then having. He told me that it was too late in the season for me to expect to get employment as a clerk, but suggested that if I was qualified to teach, I might find a place with a Mrs. Perkins. I had with me letters from the president and professors of the Seminary recommending me as competent to teach; so I acted on his suggestion, and went to see her. On the way, when I had got out of the city, overcome by a feeling of helplessness, among strangers in a strange land, and without money enough to pay for a night's lodging, I sat down by the roadside and took a hearty cry. This seemed to relieve me.

When I reached the home of Mrs. Perkins she told me she wanted a teacher, and had agreed with two or three of her neighbors that they should jointly employ one. She requested that I should go to Mr. Jackson, a neighbor, and that he would make the necessary arrangements with me. I called on him that evening, and offered to show him the testimonials as to my qualifications to teach. He said he did not care to look at them; that he had never known any one to offer bad testimonials. I told him I was without money and that it was important to me to know as soon as might be convenient, whether I was to get employment. He suggested that I should remain with him that night, and he would see what could be done. I may here state that he was a brother to Governor Jackson of the State of Missouri; and, as he told me, he had gone through an interesting experience. He said that he and two others, boys of about his age, had been bound out to learn the trade of plasterers

and painters in St. Louis, but that they had run away. He had begun life in Natchez as a brickmaker; had prospered and married. His wife was a lady of considerable fortune, I learned afterward.

The next morning he told me they would employ me as teacher, but that if I preferred he could do better for me, and would give me five hundred dollars to oversee his men until the end of the year. This seemed to me very liberal, but I stated to him that I had no experience in the management of a farm, or of negroes. He said he would be at home all the time, and that if I needed advice I might call on him. I accepted his offer and found him to be a very agreeable man. During the following April, however, the men complained of not having meat enough; whereupon I called Mr. Jackson's attention to their wants. He declined to satisfy them, and I refused to continue in his service.

I left Natchez on a Red River steamboat, intending to see General Thomas of Alexandria, Louisiana, who, like myself, was a native of Sevier County, Tennessee, and who was an extensive sugar planter, in the hope that he might aid me in securing a position. On the boat I met with a Colonel Strode who lived in Nacogdoches, Texas. He ascertained that I was seeking employment, and offered me eight hundred dollars a year if I would go to Nacogdoches and sell goods for him, stating that he was a merchant. I was pleased with this offer, and agreed to go to Texas instead of stopping at Alexandria. There were a number of people on the boat going to Texas—a Mr. Griffith and his family, the Anglins, H. Clay and Dick Davis, and others. We went together overland from Natchitoches toward the new Republic, which had so recently won its independence. We reached the Sabine River, and camped on the bank, and there met a gentleman by the name of Patterson, who lived at Nacogdoches. He learned from the company that I was going to Texas to sell goods for Colonel Strode, with whom he was acquainted. He thereupon informed me that I had been deceived by Colonel Strode; that it was

true he had a very small assortment of goods at his country home, but did not have eight hundred dollars worth, and was a man without credit. I called the Colonel's attention to this statement, and he got out of the false position by seeming to get mad.

I thought I would return, but my comrades, and especially Mr. H. Clay Davis, urged me, as I was on the border of Texas, to go on and see something of the country. So I crossed the Sabine River at Myrick's Ferry on the 29th of May, 1839, having with me a few articles of clothing tied up in a handkerchief, and a ten-dollar bill on the Holly Springs Bank of Mississippi, which was worth but fifty cents on the dollar—practically my all in the world. At this time there were probably not one hundred thousand white people in the Republic. There were but twenty-six States in the Union; there was not a railroad west of the Alleghany Mountains; there was but one in Georgia, and but a short line, forty-four miles long, around the Muscle Shoals of the Tennessee River. The postage on letters of a half-ounce weight, between Texas and the United States, was almost prohibitory. The inland postage on such a letter in the United States was twenty-five cents; the ship postage (for our mail matter came largely by way of the Gulf of Mexico) was twenty-five cents; and the inland postage in Texas was twenty-five cents, making a total charge of seventy-five cents.

In Shelby County I met the Hon. Isaac W. Burton, a senator of the Republic of Texas, who, after making kindly inquiries of me, invited me to the home of Mr. Martin Lacy, his father-in-law, where he lived in the western part of Nacogdoches County. I went on foot to Mr. Lacy's, stopping for the night at the residence of a Mr. Nations, three miles from San Augustine. While at supper he came in from town and stated that a man had been killed there that day. I passed through San Augustine the next morning, and stopped for the night at the residence of Colonel Steel, ten or twelve miles west of the town. I was sitting on his porch with two or three others, when Colonel Steel reached

home from San Augustine and announced the killing of two more men there. I made a sort of involuntary exclamation of surprise that three men should have been killed in two days. Colonel Steel said to me, "Young man, where are you from?" I answered that I was from East Tennessee. "Well," he said, "this may sound strange to one from that country; but from the example of murders in this community not much harm comes; in these cases one desperado kills another." Such was my introduction into the Republic of Texas.

CHAPTER II

The Cherokee Campaign

During the month of June, 1839, Mr. Lacy, who was the Indian agent for the Cherokee tribe of Indians, then occupying the territory now known as Cherokee and Smith counties, was the bearer of a communication to Chief Bowles from Mirabeau B. Lamar, who had been inaugurated President, December 10, 1838. That communication recited that in 1836 the Cherokees had assembled on the San Antonio road, east of the Neches River,—when the people of Texas were flying to escape General Santa Anna's invading army,—for the purpose of attacking the Texans if Santa Anna should be successful; that the Cherokees had massacred a number of white people, and had stolen the horses of the Texas people. It further recited that in the previous February General Edward Burleson had captured some Mexicans and Cherokee Indians on the upper Colorado on their way from Mexico to Chief Bowles, carrying to him a commission as colonel in the Mexican army, with instructions for his cooperation with a Mexican force which was to invade Texas the coming spring, and also taking with them powder and lead for Bowles.* President Lamar said in his message that Texas could not permit such an enemy to live in the heart of the Republic, and that the Cherokees must go to the north of the Red River, peaceably if they would, by compulsion if they must. It was also stated in this message that the President had appointed six men with authority to value the immovable property of the Indians,—not lands, but the improvements,—and to pay them for these in money; and that they might take

*This affair is generally known as "Cordova's Rebellion."

all their movable property with them in safety. I knew some of these commissioners; among them was Judge Noble, a most estimable man, then of Nacogdoches, but who afterwards lived in the city of Houston.

It is proper for me to say that this statement as to the contents of the communication from President Lamar to Chief Bowles has been criticised. I understand, however, that my account is sustained by documents in the archives of Texas. Be this as it may, the message read to Bowles was in substance as I have related. The Hon. W. G. W. Jowers and I accompanied the agent, and Dr. Jowers has confirmed my statement of this case; and it is corroborated by those familiar with the times. The attitude of the Cherokees during the Mexican invasion of 1836 was common and current information with those dwelling in east Texas. The stealing of horses from the whites was admitted by Bowles at the conference, but he claimed that the outrages were perpetrated by wild Indians who came through his territory. However, the practice of the Indians had been made clear by the massacre of the Killough and Williams families in 1837, in the Saline settlement. This stirred the whole Republic.

But as to the interview itself. When we reached the residence of Bowles, he invited the agent, the interpreter, Jowers, and myself to a fine spring near his house, where he and others seated themselves on a fallen tree. The President's message was then read and interpreted by one Cordray, a half-breed Mexican. In the conversation which followed, Bowles stated that he could not make a definite answer as to abandoning the country until he could consult his chiefs and head men; so it was agreed that he might have time for such a consultation. If I remember correctly, about ten days was the limit set.

At the expiration of the time, Dr. Jowers and I again accompanied Mr. Lacy and his interpreter to the residence of Bowles. In the conversation which ensued, Bowles stated that his young men were for war, and that they believed that

they could whip the whites. He said all the council was for war except himself and Big Mush, one of his chiefs. He said he knew that in the end the whites would whip them, but, he added, "It will cost you a bloody frontier war for ten years." He also said that while he did not concur in the judgment of his tribe, he had led them many years since separating from the main tribe of the Cherokees, first in Lost Prairie, Arkansas, and afterwards at the Three Forks of the Trinity, the country now surrounding the city of Dallas. He said he had tried to hold that country for his tribe, but that other Indians claimed it as a common hunting ground, and that in the course of three years they had killed about a third of his warriors; that then, with the consent of Mexico, he had settled near the Spanish fort at Nacogdoches. He no doubt had the consent of the Mexican authorities, as he says, to settle there; but he did not thereby acquire the sovereignty of the soil; was simply a settler without title. He also declared that General Houston had confirmed their right to that country by treaty.

There was this much foundation for the statement: The General Council of the provisional government of Texas had empowered General Houston and Colonel Forbes to treat with the Cherokees in order to keep them quiet and to prevent their cooperation with the Mexican army, and on February 22, 1836, they did agree to a treaty; but when it was laid before the convention which assembled March 1, 1836, for the purpose of framing a constitution for the Republic of Texas, the treaty was rejected. So that the Cherokees were still merely tenants at the will of the sovereign and without title.

During this conference Chief Bowles told Mr. Lacy that he had been in correspondence, for many years, with John Ross, chief of the principal tribe of the Cherokees, with a view to uniting the two tribes and going to California, out of reach of the white people, and offered to show the correspondence. But Mr. Lacy waived the production of it.

Bowles asked time for his people to make and gather their crops, but was informed by Mr. Lacy that he had no authority to act outside of the letter of the President. Bowles said if he fought, the whites would kill him; and if he refused to fight, his own people would kill him. He added that to him personally it mattered little, that he was eighty-three years old, and by the laws of nature could live but little longer; but that he felt a great interest in the future of his wives (he had three of them) and his children. His tribe, he said, had always been true to him, and though he differed with them in opinion, he would stand by them. The council ended with the understanding that war was to follow.

These conferences produced a strong impression on my mind, for two reasons. The first was, that neither the agent nor the chief could read or write, except that Mr. Lacy could sign his name mechanically; and neither could speak the language of the other. The second was the frankness and dignity with which the negotiations were carried on—neither tried to disguise his purpose nor to mislead the other.

The two armies now began to assemble. General Rusk's regiment moved up within about six miles of where the Indians were in camp under Chief Bowles, and the leaders soon agreed on a neutral line, which was not to be crossed by either side; and neither party was to move without giving notice to the other. The Texans were negotiating for time so that General Edward Burleson's regiment of regulars and Landrum's regiment of Red-Landers might come up. Bowles was seeking delay in order to enable the warriors coming from other tribes to reach the front. After the arrival of the regiments of Burleson and Landrum, the question arose as to who was to command the whole. The volunteers wanted Rusk and the regulars wanted Burleson. These two officers refused to antagonize each other, and by common consent it was agreed that Kelsey H. Douglass, the commander of the militia of that part of the Republic, should assume the responsibility.

About sunrise on the morning of July 15, John Bowles, a son of Chief Bowles, accompanied by Fox Field, a prominent half-breed, rode into our camp under a flag of truce, and notified General Albert Sidney Johnston, the Secretary of War of the Republic, who was with us, that he was instructed by his father to report that they, the Cherokees, would break camp that day and move to the west of the Neches River. General Johnston thanked him, observing that Chief Bowles had acted honorably in giving notice of his move, and requested him to say to his father that the Texans would accordingly give pursuit. Bowles and Field were then escorted half a mile beyond our pickets.

After the Texas forces had crossed the Neches, our officers sent forward some scouts with instructions to the effect that if they came up with the Indians they were to open fire at long range, without exposing themselves too much, so as to keep the Texans advised of the position of the enemy.

The Indians occupied the bed of a dry creek running from the north to the south, and then turning to the east. Just above this bend there was a prairie bottom nearly half a mile long, to the east of that part of the creek running south; and commencing near the lower end of the prairie and extending north, parallel with the creek, was a thick growth of hackberry bushes and rattan vines, some three hundred yards long. When the firing of our scouts was heard, Burleson's regiment crossed the creek below the bend where it ran to the east, and moved forward to the rear of the line of the Indians, who were posted in the creek bed above the bend. Rusk's regiment, to which I belonged, moved forward to opposite the lower end of the prairie just mentioned, and there wheeled to the right and in front of the line of the enemy. As the Hon. David S. Kaufman and I, riding side by side, were making this turn, an Indian rose up probably eighty yards off, and fired. Kaufman and I wheeled to the left and chased him until he jumped into the creek. We were then at the lower end of the hackberry and rattan thicket. Instead of

turning back, not knowing the length of the thicket, we headed our horses between it and the creek, and ran the gantlet of the fire of the Indians at short range the whole length of it; but neither of us was injured, nor were our horses. Just as we were turning the head of the thicket, Dr. Rogers of Nacogdoches approached—he belonged to Rusk's command—and was hit by three shots and killed. Others were coming on at the same time, among them Colonel Crane of Montgomery County, who stopped his horse near us. I cried out to him, "Colonel, don't stop here!" At that moment a shot passed through both his arms and his body. He said to me, "Call Robbins"; who, I believe, was his brother-in-law. Robbins came promptly, and Colonel Crane rode by him for two or three rods, telling him what messages to bear his family, and then fell from his horse, quite dead.

In this engagement we lost but six men killed and a few wounded. The Indian loss was much greater, and they retreated; we learned, however, that but a part of their warriors were engaged. We camped on the battlefield, and the next day again encountered the enemy in full force near the Neches.

Chief Bowles displayed great courage in these battles. In the second engagement he remained on the field on horseback, wearing a military hat, silk vest, and handsome sword and sash which had been presented to him by President Houston. He was a magnificent picture of barbaric manhood and was very conspicuous during the whole battle, being the last to leave the field when the Indians retreated. His horse, however, was now disabled, and he dismounted, after having been wounded himself. As he walked away he was shot in the back and fell. Then, as he sat up with his face toward us, I started to him with a view to secure his surrender. At the same time my captain, Bob Smith, with a pistol in his hand, ran toward him from farther down the line. We reached him at the same instant, and realizing what was imminent, I called, "Captain, don't shoot him." But he fired, striking Bowles in the head, and killing him instantly.

I had been so impressed with the manliness and dignity of Chief Bowles in the consultations which preceded the war, and with his conspicuous bravery in battle, that I did not want to see him killed, and would have saved his life if I could.

Soon after this campaign, I met a Mr. Bowles, a commission merchant of Shreveport, Louisiana, who told me he believed he and the chief were of the same family. He said that during the American Revolution a family named Bowles, living in Georgia, was massacred excepting one child, a very small boy, who was taken into captivity. While Chief Bowles was somewhat tanned in color, he did not seem to me to be an Indian. He had neither the hair nor the eyes of an Indian. His eyes were gray, his hair was of a dirty sandy color; and his was an English head; but he did not speak the English language. At the time of his death, in spite of his great age, he seemed strong and vigorous.

In this connection I ought to say that in this battle the Shawnees, Delawares, Kickapoos, and most of the wild tribes of Indians on our frontier had their warriors with the Cherokees. If I may be excused, I will mention an incident personal to myself which occurred during the second encounter. Our line of battle was formed on the crest of a ridge; and there was a gradual descent from this to the long ravine occupied by the Indians. The Delaware village was on fire in our rear, black columns of smoke rolling over our line, and the skirmishers of the two armies were engaged between the lines. The scene was a grand one. We were ordered to tell off by sixes, every sixth man to hold the horses. It fell to my lot to be the sixth. However, I tied my horse to a bush and told the others of our squad that they would have to do likewise. Captain Smith was passing in front of us and the men reported me as refusing to hold their horses. The captain thereupon ordered me to the front and asked if it was true that I refused to hold the horses.

"I do, Captain," I answered him.

"Sir, I will have you court-martialed," he said.

To this I rejoined, "Captain, that will be after the battle is over."

I heard no more of the court-martial. On the other hand, the morning after the second battle, General Albert Sidney Johnston, who was then Secretary of War of the Republic, sent for me to go to headquarters, and when I had reached there advised me that the Acting President had directed him to offer me a commission as second lieutenant in the regular army of the Republic. Judge David G. Burnet was the Vice-President and Acting President, because of President Lamar's absence from the Republic, for the recovery of his health, under authority of a resolution of Congress. I went to General Nat Smith, in whose command in Tennessee I was a volunteer in the Florida war in 1836. He said the regular army of Texas consisted of but a single regiment; that the pay was poor (being at that time in depreciated "redbacks"); that unless there should be a good many casualties I might be near middle age before reaching a captaincy; that there was a fine field for enterprise for a young man in Texas, and that he would not think such a position desirable. So I declined the appointment.

CHAPTER III

Surveying Expeditions

About the close of the Cherokee campaign I was stricken down with fever and had a relapse or two, followed by many months of fever and ague. My friend, Major Burton, had to be away from home attending the first session of Congress at Austin, the newly selected capital. His family being somewhat exposed on the frontier, he got me to remain with them during his absence. This time I improved by studying surveying, having already a good knowledge of arithmetic, and some knowledge of algebra and geometry and trigonometry. In November of that year I did some surveying in what is now Angelina County, and was appointed deputy surveyor for that part of the Nacogdoches land district which is now Henderson, Kaufman, Van Zandt, Rockwall, Rains, Wood, the west half of Upshur, the north half of Dallas, and the south part of Hunt counties. I surveyed a great deal in what are now the counties of Henderson, Kaufman and Van Zandt; and during the year 1840 I was appointed deputy surveyor for that part of the Houston land district which is now the county of Anderson, and part of the county of Henderson. To show the conditions under which my work was done, I may say that, while surveying in what is now Angelina County, I was having a shaking ague every day. When the chill came on, I would stop and lie on the ground until the fever rose, and then I would proceed with my work. In this condition I made surveys of a good many tracts of land.

After finishing that work, with the assistance of W. Y. Lacy, in December, 1839, I organized a company of twenty-eight men for a surveying expedition in the district to which

I had been appointed on the upper Sabine and Trinity rivers, far out from the white settlements, and in the hunting ground of hostile Indians. In the northern part of what is now Smith County we found ourselves near a band of them. They moved off to the west and we followed that evening, close after them. We camped at night and took their trail the next day. About noon we came to a place where they had stopped to roast some meat and acorns, which were still hot when we arrived. The pursuit continued until we came to where they had made a stand at the creek near the Grand Saline. A few shots were exchanged; one of my men was slightly wounded; one of the Indians was killed and two others wounded, but these made their escape in a canebrake during a heavy shower of rain. Some two or three hundred yards farther on we saw some horses with packs on them, and supposed the main stand of the Indians was to be made there; but on reaching the spot we found that they had disappeared in the cane, and we took possession of eight of their horses and packs. The rain continuing, we went into camp.

It rained all the evening and all night and all the forenoon of the next day. The ground became so boggy that we got our horses onto the stiff, black soil of the creek bottom, which was then overflowed from hill to hill. As the creek came from the west, the direction we ought to go, I told my company we could march up the creek as we should be in the water anyway, and this we did during the balance of the afternoon. I had a German doctor along, and, a bend in the creek bringing the channel very close to our line of march, though all was a sea of water, in a spirit of levity I hallooed to him to turn to the left and take up the opening which was caused by the creek. I supposed he would know it was the channel. When he turned toward it I called to my men to stop him; but he and his horse went out of sight under the water for a moment and he came up on the opposite side of the creek. It was nearing night and fortunately a rocky point of dry land jutted in toward the creek a little ahead of

us. The doctor reached that; and with some difficulty, by cutting down some trees, we got across to him. He was in a bad humor, and said I had attempted to drown him. I tried to explain to him that I spoke as a matter of fun, and made the best apology I could. But he said he was going back, that he would go no farther with me. The brush with the Indians, the prolonged rain, and wading all the evening in the water had discouraged most of the men, and it soon appeared that they were tired and wanted to return. I said to them that we were more than half way to where we were to commence work, and that I should regret much to give up the trip without accomplishing anything. I then proposed that those who were willing to go with me should step out. Four or five responded. I observed that we were enough for the work, and that by going on foot and doing the most of our traveling in the night we should be less subject to attack then with the company and horses we had. I instructed those not going with me to keep out pickets by night and videttes by day, to take the captured property with them and return.

Those of us who went on took a blanket apiece, some "cole" flour*, meat and coffee, two or three tin cups, the compass, chain, field book and hatchet, and left the others about sundown for the west. In a few days we reached what is now known as the upper waters of Cedar Creek, supposing it to be the East Fork of the Trinity, and my field notes and the patents of the land I then surveyed so call it. When we discovered indications of the near presence of Indians we would change the field of our work; finally, however, for want of provisions we had to abandon it altogether, and in making a sort of exploring expedition to the southwest, after traveling

*"Cole" flour was made in this way: common ashes were sifted into a pot or kettle and heated until the ashes boiled like plaster of paris; shelled corn was poured into the boiling ashes, and stirred until the grain could be broken between the fingers. It was then poured out into a sheet and sifted to separate the ashes from the corn. The corn was then ground (we used steel mills) into meal, and it was ready for use. It was eaten dry or stirred in water or made into mush, and its use was very common in the early days of Texas.

a part of the night, we found the next morning that we were in the midst of the camping ground of the Indians. We lay concealed in the bed of a dry creek all day and at night made our way out. We reached the settlements very nearly starved. I had an attack of the ague and fever every day during this trip.

I did a great deal of surveying in that county during the spring and summer of 1840. On my return to Nacogdoches, where my field notes were to be returned to the office of the county surveyor, I was stricken down with fever and lay about eight weeks in bed, part of the time unconscious. I had made out my field notes, leaving blanks for the description of the certificates to which they were to be applied, and when I was taken ill, left them in charge of Murray Orton, the collector of customs at Nacogdoches, with directions to keep them until I got well or died. If I had been well enough to use them, I could have secured land sufficient to have been of very great value to me in the future; but he surrendered them to a man he supposed to be one of my best friends, and when I became convalescent I found this man had appropriated them, having returned them to the county surveyor's office. The upshot of it was that I was in debt for my hotel bill and for my doctor's bill, and to the extent of sixteen or eighteen hundred dollars to those who had been with me, and I had nothing.

As soon as I was able to ride, I gave my notes for my hotel and doctor's bills, and went to see the men to whom I was indebted. I told them what had occurred, and said to them that if they would go with me I thought I could make enough to pay them. To John H. Irby, my largest creditor, I owed four or five hundred dollars. He said that he knew all about the matter and did not blame me, and that they would go with me again, but that it was useless for me to suppose that I could pay all my indebtedness.

I left Nacogdoches early in October of 1840 for my field of operations, and did not return to the settlement until late

in the following April, during which time the only house I saw was what was called King's Fort, which was held by four or five men; that was where the town of Kaufman now is. During the winter the provisions and the clothes of the men gave out. It was decided that they should return to the settlement to secure these necessaries, while I was to remain during their absence at King's Fort.

We separated near where the town of Wills Point is now, the men going south and I alone to the southwest. We knew that there were hostile Indians in the country, and I had some thirty or forty miles to go alone. We parted a little after the hour of noon, each to go his way. It was the first time I ever had a full realization of what solitude is—I cannot describe it as I felt it. I had to go some distance in a prairie, then some eight miles through timber, and lastly through another stretch of prairie to the fort. I aimed to get through the timber while it was still dark and to keep down the edge of it to the trail which led to the fort, hoping in that way to escape the Indians and to reach the fort by morning. It rained all the latter part of the afternoon, and in the timber during the night, my horse bogging a great deal, I dismounted and led him. It was very dark, and after groping for some time I found myself where I had been at an earlier hour. There was no moon nor stars and nothing by which to keep my course, so I stopped. My gun and one pistol were wet. I fired my dry pistol into the under side of a leaning decayed black-jack, which set it on fire. I tied my horse, spread a blanket over the limb of a tree for shelter, made a fire, wrapped the two blankets, wet as they were, around me, and with my saddle for a pillow lay down in my wet clothes and went to sleep. When I awoke before day, one of the fiercest northers I ever felt was blowing. My body was warm enough, but my head and feet were cold. I found everything was freezing and debated with myself whether I should lie still and risk the blankets' freezing so as to imprison me, or break out of them and risk freezing

myself. I took the latter chance. I looked for wood to make a better fire, but could not find it. I threw the blankets over me and stood over the little fire I had, making such efforts as I could to keep warm. By daylight it had cleared off and the ground was covered with the spewed up ice. I managed to saddle my horse, and made my way to the westward. I came to the Kaufman prairie, at what was afterwards known as Beck's Mound. From there I could see King's Fort ten or twelve miles to the southwest, and I headed for it. I became after a time so cold that I dismounted to walk for exercise. I soon found that my feet were being cut by the ice and were bleeding, my moccasins and socks not protecting them very well. I remounted, and tried by swinging my arms and hallooing to keep up the circulation to prevent freezing. I struck the trail leading to the fort at Cottonwood Creek, about four miles away. By this time, however, I could no longer exercise or guide my horse. He took the trail himself and carried me to the fort, stopping at the gate. I could not speak or act, though still conscious. I knew where I was. Mr. John Ford, happening to come to the gate, saw me, took in the situation, called others and I was carried inside. The men started to take me to a block-house where they had a fire; but my old friend Charles Gilmore told them that would not do. So they took me to a block-house where there was no fire. Mr. Gilmore had, for some purpose, made a large cedar tub, which they filled with water from the spring and put me in it, clothes and all. After a while I was thawed enough to speak, when they put me to bed before a fire. If I had not been thawed out as I was, I certainly would have lost my life. The skin on my face, neck, arms, and legs came to look as though it had been scalded. There were no medicines in camp, though the men had some bear's oil with which they greased the parts that were burst, and I had for a good many days a burning fever. So I know what it is to be almost frozen to death; I had passed the state of pain some time before reaching the fort.

After finishing my work in the spring I returned to the settlement in the latter part of April. The first house we came to was that of Mason Avant, some four miles north of Fort Houston, where I now live. On approaching the house we heard the crowing of chickens. I thought it wonderfully strange that I had never appreciated the music in the crowing of a chicken before. And when we got to the house Mrs. Avant came out and met us. I had not seen a woman for about six months and I said to her that she was the prettiest one I had ever seen.

Without giving details, within a year I had paid all my debts, and had more demands for my service as surveyor than I could meet. In my first surveying expedition in the upper Trinity country, we found little or no game. This had been the hunting ground of the Indians, and the animals of every description had been killed or driven out. Later, when that country became neutral ground between the Indians and the whites, game became abundant. I have seen at a single view wild horses, buffalo, deer and antelope. Wild turkeys were plentiful. We then had no trouble in killing all the game we needed. And before that country was settled up, and trampled over and grazed on by domestic animals, it produced in wonderful abundance and in great variety the most beautiful flowers. I have seen mile after mile a wilderness of color.

CHAPTER IV

Indian and Internal Troubles

In 1841 I served as a private in Colonel Jim Smith's regiment, which aided in driving the hostile Indians from the Cross Timbers. We crossed the Trinity River where the city of Dallas now is, two years before any white people lived there. The Indians were on Village Creek, about ten miles east of where Fort Worth now stands. This time, however, there was no fighting.

In 1842, while I was absent from home, I was elected captain of a company of militia, and was also elected a justice of the peace for the precinct in which I lived. And in that year I was married to a widow, Mrs. Martha Music, a noble-hearted woman, who survived our marriage only about two years. In 1843 the war of the factions, known as Regulators and Moderators, in Shelby County became so serious that President Houston ordered out the militia of some of the neighboring counties to suppress it. I was elected to the command of the company from Nacogdoches County, which was assembled for this purpose, but by the time we reached the border of Shelby County the President had succeeded in securing a suspension of hostilities, and we were ordered to return to our homes.

On account of the active and aggressive hostility of Mexico, and of the invasion of Texas in 1842, a strong feeling grew up in favor of retaliatory measures, and the Congress of Texas passed a law providing for an offensive war against the Mexicans. Among the raids of that year on Texas was that of the Mexican General Woll. He captured San Antonio, made prisoners of the judge,—the district court then

being in session,—the officers of the court, and the members of the bar, sacked the city and carried away the court archives.

President Houston vetoed the bill providing for the invasion of Mexico, because of its impracticability. He told me that General Andrew Jackson wrote him a most gratifying letter on account of his veto message, emphasizing approval of that part of it which assigned as one of the reasons for the veto, the fact that the bill provided that he (Houston) should command the forces in person, which he declared in his message would be a dangerous precedent.

General Memucan Hunt was then Adjutant-General of the Republic. He favored the invasion of Mexico and wrote to General William O. Butler of Kentucky to come and join him in the movement. General Butler came, whereupon General Hunt issued his order requiring the captains of all the militia companies of the Republic to report through the proper channels the number of men capable of bearing arms in their respective companies, with tabulated statements of the number and description of arms and military supplies. And he and General Butler made a partial canvass of the Republic on horseback in behalf of the proposed enterprise. An order was issued for a two days' drill of the officers of the Nacogdoches regiment, on the 2d and 3d of July, preparatory to a brigade review on the 4th.

On the assembling of the officers of the regiment at Nacogdoches on the 2d of July, our colonel, Jack Todd, a great Indian fighter, did not attempt to drill the company. About the only word of command he knew was "charge." Lieut.-Col. Wade, a San Jacinto soldier, knew something of the drill, and gave the company some instructions; but Major Henry Connor would not attempt it. Wade then invited the captains, all of them I believe, except myself, and also some of the lieutenants to drill the company; some of them made poor attempts at it, but most of them declined. Colonel Wade was about to resume the command when I stepped forward. He

excused himself for not calling on me by saying that I was in the rear rank and that he had not seen me. I had no doubt that he had a better reason, for I was dressed in a buckskin hunting shirt, with foxed breeches and a dilapidated hat, and wore moccasins. In assuming command I first carried the company through the manual of arms,—no other had attempted that,—and the men requested me to repeat it, which I did. I then instructed them as to facing, so that however often they might have to change face, the left heel would remain in the same place; and also in the lock step in marching, and told them off in platoons and sections, and for some time carried them through most of the company evolutions described in *Scott's Tactics,* with which I was familiar. I need hardly add that I was at once looked upon with suspicion by the men, who supposed me to be in disguise, and who inquired whether I had come to Texas to build churches.

Perhaps I ought to explain that my knowledge of military affairs was gained very early. In my youth the militia of Tennessee was well organized and the most respectable citizens were officers; the regimental and battalion muster days were the occasions for patriotic displays; and the boys, too young to muster, followed the drum and fife with delight. Afterward, when I was in my teens, I became a member of a volunteer company, which was often drilled. In 1836 I volunteered in General Nat Smith's regiment for the Florida war. A great uncle of mine, who had been in the war of 1812, was made orderly-sergeant of my company. He was poorly qualified for his duties, and got me to make up his muster rolls, reports and requisitions, which familiarized me with those duties.

On the occasion of this reunion I had made the tabulated report required by the order of the adjutant-general, and the officers were pleased with it. Colonel Bob Smith, who had been my captain in the Cherokee campaign, was the colonel of the regiment. At the brigade review on the 4th of July he requested me to act as adjutant of the regiment. I de-

clined on the ground that I could not appear on horseback in my unmilitary clothes. He said he had anticipated that and had got the best uniform in the town for me. I again declined on the ground that I did not wish to appear in borrowed plumage. He then requested me to take command of the company on the right, which I consented to do.

The plan of invading Mexico failed. In the summer of 1843 I received a letter from General Houston, the President of the Republic,—I had been acquainted with his family in Blount County, Tennessee,—requesting me to join him and his commissioners at Crockett, on the 4th of July, and pilot them to Grapevine Spring, some twenty-five or thirty miles northwest of where the town of Dallas now is, where, through his agents, he had arranged to make treaties of peace with the several tribes of wild Indians then living on the frontier of the Republic. I met them as requested, this invitation coming from the fact that as campaigner and surveyor I had become acquainted with that country. Fort Houston was then the outside settlement of whites in that direction.

On our way the question came up about his having been challenged to a duel by several of the prominent men of the Republic. I mentioned that I had not understood how he avoided meetings with them, as they were all men of high character. He replied that, if I had noticed, he never declined to meet any of them because of lack of character; that he sometimes treated their messages with levity, and in one way or another avoided a meeting. He said it was not necessary for him to engage in a duel to establish his character for courage,—that had been tested on the field of honor, and in battle, of which he bore the scars. He had had an affair of honor with General White of Nashville, Tennessee, and had been severely wounded at the battle of the Horseshoe and in the battle of San Jacinto. He added that a stronger reason why he ought not to have accepted these challenges was that the civilized world condemned the code, that Texas had a bad character for lawlessness, and that if he, being President, had

engaged in a duel it would have reflected more or less discredit on the Republic.

On another occasion I said to him that I had recently read a lengthy newspaper article purporting to give the cause of the separation between himself and his Tennessee wife, and asked if he had seen it. He said he had, and that he had seen others of similar character; but he added that they did not know what they were writing about—that no one knew or ever would know from him the cause of their separation. Only twice did I ever hear him allude to his wife and on both occasions he spoke of her with the greatest respect. While on this subject I should say that I spent several weeks in the summer of 1883 at the Red Boiling Spring in Tennessee, and while there met with three old gentlemen, who were well acquainted with General Houston when he was Governor of that State and when he and his wife separated, and who had known his wife before and after their marriage. She subsequently married again. They spoke of her as a woman of good family and of the highest character, and told me that she had observed the same reticence as General Houston had as to the cause of their separation, and that she never spoke of him but in terms of the highest respect.

General Houston sometimes took too much liquor. After his marriage to Miss Lee in 1840 it was understood that her influence had caused him to abandon its use.

There were a great many Indians at the treaty-ground. The different bands had different dialects, but seemed to communicate with each other mostly by signs, which seemed to be common to all of them.

General Houston wore a suit of purple velvet embossed with figures representing a fox's head, and took along with him a bowie-knife of great size, which he purposed to wear when he met the Indians. In answer to my inquiry as to the reason for the figured suit, he observed that it would awe the Indians as a sort of mystery, and that the big bowie-knife would impress them with the idea that he was a great warrior. He understood the Indian's character.

General Houston was one of Nature's great men—great in intellect, great in action, great in his wonderful experiences. A stranger would have taken him in any company for a ruler of men.

For six years after my arrival in the Republic of Texas we had almost every spring and fall to meet an invasion from Mexico. There were at that time many remnants of the larger tribes of Indians on the frontier, including the Cherokees, Kickapoos, Shawnees and Delawares in eastern Texas, besides the great tribes of Comanches and Kiowas on our northwestern borders, and small bands of other tribes along the frontier. Most of them were hostile, and when not openly so, they were frequently stealing horses and killing people on the frontiers. These things kept the people of Texas in an almost continuous state of war up to the time of annexation to the United States. This greatly interfered with agriculture and the development of the industries of the country. The population of Texas was probably less than 150,000; and nearly all were poor, and there was not property enough to yield by taxation revenue sufficient to support the government and to provide for the public defense. To meet this difficulty resort was had to the issue of what were called "redback" notes. These finally became depreciated until the dollar was not worth more than twelve or fifteen cents, and would no longer support the government or provide a currency for commercial use.

When General Houston, in 1841, entered on his second term as President of the Republic, he said, in his message to Congress: "There is not a dollar in the treasury. The nation is involved in ten or fifteen millions; we are not only without money, but without credit." Provision was made to fund the redback notes into interest-bearing bonds, and for a new issue of $350,000 in what were called exchequer notes, in the hope that this small sum might be kept at par with coin. From 1840 to the time of annexation I think it safe to assume that there was less real money in use in Texas than has been

known in any other civilized country in modern times. Poverty, hard living, with shabby clothes, and the constant worry of protecting the country against Mexicans and Indians was our lot until delivered by annexation. There was but little opposition to this in the Republic. While living in what is now Kaufman County I received a note from the Hon. Wm. B. Ochiltree informing me that we had become a part of the United States. This gave me a thrill of joy such as I have rarely experienced.

In the war between the United States and the Republic of Mexico, following annexation, Texas furnished her full quota of troops. Among the distinguished leaders were John C. Hays, the great ranger; Albert Sidney Johnston, who afterward became a brigadier-general in the army of the United States and a lieutenant-general in the army of the Confederacy, and George T. Wood, afterwards Governor of the State.

When the war broke out I expected to go with a company from Nacogdoches, but when I had packed up and was ready to start I was stricken down with typhoid-pneumonia, and confined to my bed for about eight weeks, much of the time in an unconscious condition.

CHAPTER V

Lawyer and Legislator

I was a pioneer settler in what is now Kaufman County, having moved there in the fall of 1844. I drew up the petitions for the organization of the counties of Henderson, Kaufman, and Van Zandt, asking in the petitions that these names be given them. This was in recognition of the friendship which had been shown me by each of these distinguished gentlemen; and the legislature named the counties as requested in the petition.

I commenced the study of law in 1844, without the aid of a preceptor, and some sixty miles from the nearest lawyer's office. I procured a number of elementary books on different branches of the law, and began my reading with Blackstone's Commentaries. I frequently came to expressions the legal meaning of which I did not understand. In such cases I turned to Webster's Unabridged Dictionary to ascertain the primary meaning of the words of the sentence. Having done this, I turned to Bouvier's Law Dictionary to ascertain their legal meaning. I was thus enabled to determine whether the reference was to common law, to equity, or to criminal law, and whether a reference was to a question of pleading, of evidence, or of practice. In this way I made out the meaning of the sentence, and got the necessary legal distinctions as between common law, equity, and criminal law, and as to questions of pleading, evidence, and practice fixed in my memory, which was of great service to me afterward. I was perhaps three times as long reading Blackstone as the ordinary student with a teacher at hand would have been; but when I had finished I had also read, by reference, nearly all my elementary law books.

In 1846 I received a temporary license to practice law in the district and inferior courts, with my office in the old town of Buffalo on the Trinity River. From 1844 to 1851 I cultivated a small farm in what is now Kaufman County. In 1846, Henderson having been formed into a new county, I was elected probate judge and lieutenant-colonel of the battalion of militia for that county.

In 1847 I was elected to a seat as representative in the State Legislature from the Nacogdoches district, embracing what are now the counties of Nacogdoches, Angelina, Cherokee, Smith, Henderson, Kaufman, Van Zandt, Rockwall, Rains, Wood, the west half of Upshur, the north half of Dallas, and eight and one-half miles in width of the south end of Hunt County. Adolphus Sterne of Nacogdoches and Everett Lott of Smith County were my colleagues. On the organization of the House of Representatives I was made a member of each of the following standing committees: judiciary, public land and land office, apportionment of representation, federal relations and enrolled bills.

Governor J. Pinckney Henderson submitted with his message to the legislature a series of resolutions which had been passed by half a dozen or more of the legislatures of different States, declaring their views on current political questions. Among them were the resolutions of Rhode Island, which condemned the tariff of 1846 and recommended the reinstallment of the tariff of 1842; denounced the institution of slavery; and inveighed against the annexation of Texas and the acquisition of Mexican territory. These various resolutions were referred to the committee on federal relations, of which I was a member. The chairman of the committee in calling attention to them asked me if I would prepare resolutions responding to those of Rhode Island, and setting forth our views on those questions. I consented to do so; and, when at the next meeting of the committee I made my report, I was directed to present the report and resolutions to the House. It did not occur to me that in so doing I

would make myself responsible for the defense of them; so when they came up for action, Mr. Benjamin Epperson, a talented young member and brilliant speaker, asked that they should be set for a future day to give time for their examination. This was agreed to, and when that day arrived, he, being a Whig, offered a substitute for my resolutions, embodying the substance of Mr. Clay's Lexington speech of the summer of 1847, and made a strong speech in favor of his substitute. I was expecting some other member to reply to him; but no one seemed disposed to do so; and I saw all eyes directed toward me. It then flashed on me that having reported the resolutions I was expected to defend them. I was a young and new member, and had never addressed the House, but I made the best argument I could; and when I sat down, M. B. Lamar, ex-President of the Republic, then a representative from Webb County, arose and said he had examined the resolutions with care, and that they stated the views of the people and of the South very clearly and correctly, and that he hoped they would be passed by the House unanimously without the crossing of a t or the dotting of an i. There were but three votes for the substitute and the resolutions were adopted.

I was very much gratified by the statements of ex-President Lamar. Mr. Epperson and I were not then personally acquainted. When the House adjourned we met and introduced ourselves, and became strongly attached friends, and so remained until his death many years later.

More work was done at this session than at any other since the organization of the State government. All the organic laws were re-enacted and perfected, having been hurriedly passed by the first legislature. The organization of the supreme, district, county and justice courts was provided for. The duties of sheriffs, assessors and collectors of taxes, of constables and coroners were defined. A very elaborate probate law was passed, a law providing for the assessment and collection of taxes, and a law for appor-

tioning senators and representatives, and for defining the senatorial and representative districts; besides much other general and special legislation. Among the important laws enacted at this session was one introduced by me to give each county in the State its own land office and land records. This was made necessary by the following facts: the Constitution of the Republic of Texas provided for the sectionizing of the public lands of Texas, on a plan like that of the United States; but the Congress of the Republic found that it could not provide the money necessary for the execution of the requirement, and some provision was necessary to enable the new settlers to obtain homes on the public lands. To overcome this difficulty the Congress enacted a law providing that each county should be a land district and *a section.* While this was plainly a subterfuge and an evasion of the constitutional requirement, it was from necessity sustained. The Constitution of the Republic enumerated the counties and made provision for a very limited number of new counties to be created by Congress, and no others until the census of the population of the Republic should be taken. The representatives of the Republic to the Courts of Europe had made certain statements as to the amount of the population of the Republic, which it was thought made it best not to take the census; and this was not done until after the annexation of the Republic to the United States.

The existing apportionment of representatives and senators was manifestly unjust; for about two-thirds of the population was east of the Trinity River and about two-thirds of the senators and representatives west of that stream. During the session of the legislature the apportionment committee reported and the House of Representatives passed a bill which equalized the representation fairly. At that session we had no public printer. Our proceedings were all in manuscript; and before the final passage of the bill by the House it was stolen, no doubt by some one

opposed to its passage. The committee directed William Borland of Lamar County, James Willie of Washington County, and myself, members of the committee, to undertake to make out a duplicate of the stolen bill. We succeeded in this to the satisfaction of the committee, and reported it to the House. It was passed, though late in the session, and went to the Senate, where it was also passed, but with some amendments. The two houses had agreed to a joint resolution for the adjournment of the session, and the bill was late in being returned to the House. I went to Speaker James Henderson and requested that when the bill came from the Senate he recognize either me or Colonel Borland to move the adoption of the Senate's amendments and to call for the previous question. When the bill came to the House I moved the adoption of the amendments of the Senate; and upon a yea and nay vote they were accepted by a majority of two. This was done by Mr. Willie's voting with us, though he opposed the bill in order to move a reconsideration and then to speak until the session should be ended. If he had voted against the bill, it would have been lost on a tie vote. As soon as the result was announced four or five of those who had voted against it walked out to a saloon back of the Capitol to console themselves by taking a drink. As soon as the vote adopting the Senate amendments was passed, I moved to reconsider the vote and to lay that motion on the table; and on taking the vote my motion was carried by some half a dozen majority. The House then adjourned.

The members went down on the avenue, and a good many of them stopped at a saloon to take their parting drinks. Mr. Epperson and I coming up the avenue on the way to our boarding-house, met Senator Henry W. Jewett, who inquired about the apportionment bill. We told him we supposed Kimbell, the clerk, was enrolling it. He said no, that he himself had put out the last light in the Capitol. We found this to be true and went back down the avenue, and meeting Mr. Mosely, requested him to keep sight of Ben

Hill, the clerk of the House, until we could go to Kimbell's residence down near the Colorado and get him. We found him and on our return were joined by Mosely and Hill. On reaching the Capitol, Hill expressed doubts as to his authority to give us the bill and amendments, as the House had adjourned. He went to consult the Attorney-General, and declined to give us the bill. We went into a committee room which joined the hall of representatives, and forced the door of the hall open and took the bill and amendments from the desk of the clerk and put Kimbell to enrolling it. Epperson, Mosely and I happened to be members of the enrolling committee. We went to the room of Lieutenant-Governor Greer, who was President of the Senate, and to the room of Speaker Henderson to let them know that the bill would be brought for their signatures as soon as it could be enrolled, supposing that it might be done before daylight. But it was seven or eight o'clock when the enrollment was completed. We thereupon took the bill to them and they both signed it; and, delivering it to Governor Wood at his office, he directed the Secretary of State to file it with the enrolled acts.

The unwillingness of those who had enjoyed the advantage of over-representation to surrender that advantage, and the circumstances attending the passage of this act, gave rise to much speculation and controversy in the newspapers. It was contended that the bill was enrolled and reported to the Governor after the adjournment of the legislature, and was therefore no law; and to secure a judicial decision to that effect, two citizens of Guadalupe County agreed to make a bet of five hundred dollars on the question as to whether the act was constitutional. They put up their notes for those sums, and referred the question to a third person for decision, with the understanding that the loser was to refuse to pay, and that suit was to be brought to get the question of the validity of the act passed upon by the courts. In this way the case went to the district court,

where the decision was in favor of its constitutionality. It was then taken to the Supreme Court, and Justice Lipscomb, in announcing the decision, said the court had been considering whether it ought not to impose the penalties for contempt on the parties and their attorneys who brought that case before the court for the purpose of obtaining its opinion on a political question, based on a gambling consideration. The case was dismissed and the law sustained.

In the spring of 1848, upon examination, I had received a regular license to practice law in the district and inferior courts of the State. I was subsequently licensed to practice in the Supreme Court of the State. In 1857 I was authorized to practice in the Supreme and inferior courts of the United States.

On June 19, 1896, Tulane University of Louisiana conferred on me the honorary degree of doctor of laws—the fifth person so honored by that institution, and in April, 1903, I received the same degree from Baylor University of Texas.

Before I pass from this subject I think I may be excused in citing a few of the important cases at law with which I was connected.

The first murder case in which I was leading counsel was that against John Jennings for the killing of Major James Shannon, in Grayson County, Texas. Shannon was a brother of Hon. Jeff. Shannon, member of the legislature from that county. The case was one of much interest. Jennings was acquitted. From this time on my criminal practice increased. About this time I represented Major McDermot in the trial of the title to a tract of one hundred and sixty acres of land now in the city of Dallas—in a suit brought against him by one Carder; and I was employed also in the case of Latham *vs.* Tucker, involving principles of equity and the marshalling of assets, from both of which I gained a prominence in real estate litigation. I refused a fee of two thousand five hundred dollars offered by Ed Day if I

would defend him against the charge of murdering his wife; and, volunteering to prosecute him without fee or reward, I secured his conviction. The last fee which my partner, the Honorable Nat M. Burford, and I received before I went on the bench was five thousand dollars. It came from an important land case in Ellis County, Texas.

In 1849 I was a candidate for election to the State Senate. It was the only time I was ever defeated in a popular election, and in this case I deliberately accepted defeat rather than promise the people to do what I felt sure would operate to their injury. A large part of the district was in what was then known as Peter's Colony. The colonization company had agreed to introduce and settle colonists at its own expense, for six hundred and forty acres of land for each head of a family, and three hundred and twenty acres for each single man it should so introduce and settle. It invited colonists, and many families and single men came into the colony at their own expense, the company agreeing to allow each head of a family and each single man a portion of its land. Many settlements were made before the company had the land surveyed and sectionized, and when afterward the surveys were made, many of the settlers found the land assigned to them to be parts of different sections and subdivisions of sections. This produced great dissatisfaction. The company's agent, Mr. Hedgecox, insisted that the settlers must rearrange the location of their claims, which in many, probably the most cases, meant the division of their farms, and would operate in other respects to their serious injury. It was contended by the settlers that the colonization company had forfeited its contract by non-compliance with its terms, and they insisted on the passage of a law to give the heads of families six hundred and forty acres and single men three hundred and twenty acres of land, ignoring the rights of the company. The Attorney-General of the Republic, Ebenezer Allen, had given and published an opinion sustaining the position of Hedgecox, the agent of the

company. I told the settlers it would be possible to get such a law through the legislature, but if it were passed the company would enjoin the issuance of patents to them, and bring suits against each of them in the Federal court at Galveston, the only place in Texas at which a Federal court was then held, and that the expense of litigation at that distance (about three hundred miles) from their homes would be more than the land was then worth; and that I would not promise to do them that wrong, even at their own request. Another candidate made them that promise and was elected by a very small majority, and secured the passage of a law giving to each settler in the colony the land he claimed.

In a short time, however, after the passage of this law, the Peters Colonization Company obtained from the court a writ of injunction prohibiting the commissioner of the general land office from issuing patents to the settlers, and entered suits in the United States circuit court at Galveston against many of the settlers claiming under the law to secure the annulment of their claims. This is what I had told the settlers during my canvass would be done; and very great excitement ensued among the colonists, giving rise to large public meetings, in each of the seven counties in the colony, and but for the efforts of Col. M. T. Johnson of Tarrant County, the Hon. John M. Crockett of Dallas, and myself, violent measures against the agent of the company would certainly have been adopted.

The public meetings referred to provided for a convention of delegates from those seven counties to meet at the town of McKinney in Collin County, to consult as to what measures would be necessary for their relief. By a resolution of that convention, a committee was appointed with authority to employ counsel to represent the colonists in the general land office and in Federal and State courts. That committee entered into an agreement to pay me ten thousand dollars to represent their interests, which I undertook to do. But after a time I gave it up, having been elected

judge of the district embracing some of the counties concerned. This was in the fall of 1852. My judicial district embraced the counties of Houston, Anderson, Henderson, Van Zandt, Navarro, Ellis, Kaufman, Tarrant, and Dallas. The term for which I was elected was six years.

While the controversy above mentioned was in some measure a local matter, it involved the interests of the families of two or three thousand colonists, occupying seven of the best counties of land in the State. It was finally compromised by the company's taking the amount of the lands to which they were entitled in the colony, and the colonists' securing three hundred and twenty acres of land for each head of family and one hundred and sixty acres for single men.

Meantime, in the summer of 1851, I had become a citizen of the town of Palestine, then the largest in our judicial district, and having the ablest lawyers. Friends advised me that I could not expect to succeed in competition with so strong a bar. My answer was that if I could not, then I ought not to continue in the profession of the law.

In December, 1852, I was married to Miss Edwina Moss Nelms, daughter of Colonel Edwin and Mrs. Diana Nelms. Our marriage was blessed with six children, three of whom are still living. She died in Richmond, Virginia, in July, 1863.

I continued to perform the duties of judge of the district court until 1856. The legislature during the session of 1855-56 passed a law increasing the salary of district judges from $1,750 per annum to $2,250, assigning as a reason for the increase that the existing salaries were not sufficient to secure the best legal talent for the bench. Soon after the passage of this law I tendered my resignation as judge, and announced myself a candidate for reelection, giving as the reason for my action that if the increased salary might enable the people of the district to select an abler judge it was my duty to give them a chance to do so. An additional

reason, too, was that since my election the district had been changed by dropping the counties of Navarro, Ellis, Tarrant and Dallas, and by adding to the district the counties of Cherokee and Smith, which contained nearly half the population of the new district. I stated that it would be but fair to allow these two newly added counties to have a voice in the selection of their judge. I was, in 1856, re-elected as district judge for another term of six years. On my election, the law firm of Reagan and Burford, which had existed for four years, was dissolved. I then owned a good many tracts of land; Judge Burford had none; and I complimented him with a deed to one hundred acres now covered by the city of Sherman, and to three hundred acres now within the city of Dallas.

CHAPTER VI

In Congress

The year after my election as judge the Democratic party of the first congressional district of Texas held a convention at the town of Tyler, Texas, to nominate a candidate for a seat in the Congress of the United States. I had seen that the newspapers were discussing my name for that position, and so I wrote to some of the members of the convention that I could not accept the nomination if made; that I had been recently reelected for a second term as judge of the district court and preferred that position to entering political life; and that I did not want to be placed in the position of seeking one office while filling another. I was holding the court of Kaufman County during the session of the convention. Disregarding my objections, the convention nominated me, and appointed a committee to wait on me and urge my acceptance. The committee presented the view that the convention had acted and adjourned, and that if I refused to accept, it would produce much confusion, and probably operate detrimentally to the Democracy of the district, which was then represented by the Hon. L. D. Evans, a Know-Nothing, and an enemy of Democracy. On my stating that I preferred judicial to political service, and that I disliked to give up my office of judge so soon after being elected a second time, it was argued by the committee that as it was near the time for my vacation I could make the race, and if elected resign, while if defeated I could continue in the office of judge. To this my reply was that if I accepted the nomination the first paper I should write would be my resignation as judge; that I would be unwilling to

hold one important office while canvassing for another. The result was that I yielded, sent in my resignation as judge to the Governor of the State, and announced myself a candidate for Congress.

Though I was much worn down by holding the courts for five months and not in very good health, I entered the canvass. Judge Evans, my opponent, was a man of ability, in the meridian of life, with considerable political experience, and with the prestige of being the sitting member of Congress. My race was made the more difficult because Gen. Sam Houston, with his great ability, experience, long service in the past, and great popularity, was a candidate for the office of Governor of the State, and the leader of the Know-Nothing party represented by Judge Evans. I had necessarily to meet and overcome the influence of General Houston, who had led the army of the Republic to a great victory at San Jacinto, who had been twice elected President of the Republic, and who had served the State in the Senate of the United States three terms. In combating his views I always did so with great respect for his character, his distinguished public service, and his greater age, dealing only with the political principles involved in the contest and never in personal unkindness.

Soon after accepting the nomination I prepared a list of appointments of places and times at which I proposed to address the people of the district, and sent a copy to Judge Evans with my request for a joint canvass and discussion; and with the statement that if the dates and places of appointment did not meet his approval, and he would prepare a list which suited him I would join him in it. He accepted my list in a rather unfriendly reply, and I opened the canvass by a speech in Palestine on the 6th day of June. I spoke at Crockett and in Trinity County before being met by Judge Evans at Woodville, where we had our first joint debate. Between the 6th of June and the first Monday in August we canvassed thirty-six counties, in forty-eight joint

debates, covering the country extending from the Mexican Gulf on the south to the Red River on the north, and from the Sabine River on the east to the Trinity on the west, often traveling a good part of the night and once all night to meet our appointments. Our joint discussions never lasted less than five hours, and often considerably more, generally occurring in the daytime, but on several occasions at night. I greatly doubt if there ever was in the United States so laborious a canvass as this. Judge Evans was a man of great physical strength and capable of great endurance. All I can say of myself in this respect is that we went through the campaign together.

I based my canvass on the Democratic platform and three objections to the policy of the Know-Nothing, or American party, as it was often called. The first was that there ought to be no religious tests in politics, that the framers of the Constitution of the United States and of the Constitution of our State carefully provided for the separation of church and state. While in principle I was a Protestant and was probably influenced by prejudice against the past history of the Catholic church, I still regarded the blending of politics and religion as dangerous to the future of our country. My second objection was that we ought not to make the place of birth of a citizen a political test. Foreign-born citizens, I urged, had aided in the struggle of our Revolutionary fathers to maintain the independence of this country; I argued that it had been the policy of the Federal and of the several State governments to invite intelligent foreigners from western Europe to help develop and build up our country; and that it would be both inconsistent and wrong for us now to turn upon them and deny them the right either to vote under the conditions prescribed by law or to hold office. My third objection was that secret political societies were un-American and unwise, and endangered the future of our liberty and of our system of government, for ours was a government of the people, and ought to be con-

trolled by enlightened public opinion; and that free public discussion of political questions, I believed, was the only way in which we could expect to get a fair and just consideration of such questions. And further, I emphasized, that in secret societies, such as the Know-Nothing, the most violent and radical men became the leaders and ruled the proceedings and dictated its conclusions, there being no chance for a presentation of opposing views and for the comparison of opinions.

Upon these issues I was elected by between three and four thousand majority.

I took my seat in Congress as the Representative of the first district of Texas on the 7th day of December, 1857, and I was appointed a member of the Committee on Indian Affairs and on the Committee of Expenditures of the Post Office Department.

On the 19th day of January, 1858, I delivered an address in the House of Representatives on the life, services, character, and death of Gen. Thomas J. Rusk, late a Senator of the United States. I knew him well and loved him. He was one of the greatest of the sons of Texas, and for this reason I offer at this point my address.

Mr. Speaker: The announcement just made of the death of Gen. Thomas J. Rusk, late a Senator from the State of Texas, calls for another pause in the ordinary business of this house, and for the performance of our last solemn duty, as a body, to the memory of a great and good man.

General Rusk was a native of the State of South Carolina, where he studied law, and commenced in comparative obscurity the great business of life. He subsequently removed to the State of Georgia, and in 1835 to the State of Texas. The struggle for the independence and separate national existence of Texas had then begun, and that love of justice and of right, that manly courage and lofty patriotism which so distinguished his after years, induced him at once to identify his fortunes with those of the brave spirits there, and who had learned the value of freedom and equality, and had determined to meet the perils of war rather than submit to the loss of their civil and religious liberty.

It is not my purpose now to notice in detail the many historic events in the life of General Rusk. This will be the pleasant duty of the historian. Nor is it my object to pronounce a formal eulogy upon his life and services. But I come to offer the grateful tribute of the brave and generous people he has so often commanded in battle, and so long, so ably, so faithfully served in the councils of the State and Nation.

As commander of a volunteer company; as aid to Gen. Stephen F. Austin; as the first Secretary of War of the Republic of Texas; as the first Chief Justice of the Republic of Texas; as major-general of the militia of the Republic of Texas, charged with important duties and clothed with large powers; as a member of the convention which formed the Constitution of the Republic of Texas; as a member of the Congress of the Republic of Texas; as president of the convention which formed the Constitution of the State of Texas; as Senator in the Congress of the United States; as an eminent and successful lawyer; as an unostentatious and loyal citizen, ever respecting the laws, the religion, the institutions and the government of his country; as a devoted husband and affectionate father—though he has fallen in the meridian of his manhood, he has filled the full measure of a citizen, a soldier, a patriot, a statesman and a hero, to whom the citizens of Texas will continue to point with pleasure and with pride as long as their hearts continue to beat with the pride of chivalry, and the love of pure and unspotted integrity, and exalted and unselfish patriotism.

General Rusk possessed a mind of uncommon clearness and strength, and a constitution and physical vigor capable of great labor and endurance; a commanding and noble person; a pleasant and vivacious temperament; was fond of anecdote, and full of kindness and sympathy for the unfortunate of all grades and conditions. Indeed, his love of justice, and candor and truth, and his sympathy for and readiness to espouse the cause of the unfortunate, or weak, or oppressed, might be said to have been his most prominent characteristics. Always courteous and respectful to his equals, he was kind and condescending to his inferiors, often recognizing them and hearing their suit, and contributing to their wants, under circumstances which showed that he regarded the true dignity of a man as consisting in acts of justice and mercy, rather than in holding himself bound by the chains of ceremonial coldness which too often separates a man from his fellows.

He fought gallantly the battles of his adopted country, and while Secretary of War, beyond the ordinary duties of that station, he bore a most distinguished part on the glorious field of San Jacinto, and aided to add another to the roll of nations of free republican states, and to gild the Southern horizon with the star of liberty, which once floated in lone and solitary grandeur over the broad and beautiful plains of Texas; but which, now, wreathed with the oak and the olive, beams with undiminished luster amid the grand armorial constellation in the dome above us, representing at once the separate sovereignty and the national unity of the American States.

Though he occupied many important stations, and though much of his life was spent in the true discharge of official duty, he was fond of the retirement and quietude of private life, and generally shunned rather than sought office. This was illustrated on several occasions in his life. He was urged on more than one occasion to accept the Presidency of the Republic of Texas, but uniformly declined. At the time of the last Presidential election there, both of the distinguished men who were candidates for that office, before their announcement, urged General Rusk to accept the position; and neither of them would have opposed him. But when the Presidency was thus at his command, without opposition, he declined to accept it. He refused the use of his name for the Vice-Presidency of the United States, and repeatedly discouraged the use of his name for the Presidency.

As a soldier, he was brave and self reliant; as an officer, he was cautious and calculating, always ready to expose his own person to danger, but never rashly exposing his men.

As a statesman, he looked to a strict construction of the Federal Constitution and the preservation of the rights of the States as the surest, yea the only, means of maintaining the permanency of the Union, the equality of the States, and the liberties of the people, in the spirit in which these blessings were secured to us by our Revolutionary fathers. And while he looked proudly on our past history, and the extraordinary growth and progress of our common country, in physical science, the arts, agriculture and commerce; our advancement in moral science, in religion, in laws, in good government, and in all that tends to the civilization and improvement of his country and his race; yet, as I learned from him but a few weeks before his death, he looked with fearful apprehension to the continued and alarming agitation of the question of slavery, as tending to weaken his high hopes of the future destiny of the Republic.

At the time of which I speak he was considering with great anxiety whether any means could be adopted which would avert those dangers, and secure, if possible, on a permanent basis, that fraternal good feeling and mutual respect for the rights of each other which should ever characterize the people of a nation so blessed with such elements of happiness and prosperity as our own. He also condemned with much earnestness the new social theories and religious fanaticisms which have obtained a limited foothold in parts of our country, as being full of delusions and of danger; and, as evidence that he had rightly estimated their importance, some of their bitter fruits are now upon the country.

But, alas! with all his wisdom, with all his usefulness, with all his honors, with all the devotion of a confiding constituency, he is gone—gone from the family hearthstone, from the domestic and social circles; no more to wave his proud plume in advance of his comrades in arms; no more to draw his keen sword in defense of liberty; no more to offer his wise counsels for the good of the nation; no more to offer the willing hand of charity to the needy; no more to offer kind and encouraging counsel to the deserving. The scenes of earth have closed upon him. And while we mourn his death, we doubly mourn its manner. It is true he fell by his own hand; but that hand was not moved by the natural impulses of his upright, generous heart, or guided by that reason and consciousness which had so long distinguished him for his prudence and moderation.

A severe domestic bereavement—the loss of the wife who was the cherished idol of his early manhood and the guiding star of his after life, who, in prosperity and in adversity, in sickness and in health, under all the varied fortunes of his life, had clung to him with a constant and unvarying devotion, had, by the inscrutable hand of Providence, been taken from him. To this was added the many cares and perplexities his position had drawn upon him. And to these was added a disease which, it is thought, may have affected his spine and brain; and these combined causes, operating upon his keenly sensitive mental organization, it is believed caused his reason to give way, and his struggling soul, unguided by consciousness, sought peace in death.

As the purity of his heart, the prudence and moderation of his life, the extraordinary inducements he had to desire a continuance of life, and the absence of any known inducement to desire his own destruction, exclude the idea that he could have

been conscious of the manner of his death, so they leave us room to hope and believe that he will not be held accountable for it before the Eternal Judge.

I will conclude what I have to say by adding that the legislature of Texas, responding to the general sentiment of sincere admiration entertained by the people of that State, for the worth and services of General Rusk, has already made provision for the erection of his statue, at the capital of the State. And a nation's sorrow bears testimony that his fame and usefulness were the property of the whole country.

I speak here not only as the representative of the district in which General Rusk has lived ever since his emigration to Texas, but as one who has seen him in his home with his family, around his own fireside, amongst his neighbors, in the courthouse, in the tented field, and in the blazing front of battle; the same pure, and just, and generous, and noble man, at all times and everywhere, more worthy of imitation, in his leading characteristics, than any other it has been my fortune to know.

On the 19th of March, 1858, I delivered a speech in committee of the whole, ostensibly on the question of the admission of Kansas into the Union as a State, under the Lecompton Constitution, in which I reviewed the anti-slavery agitation, exposing the unconstitutional aggressions of the North upon the rights of the Southern States, and insisting that territories were the common property of all the people of all the States, that the Constitution of the United States recognized African slavery, and the right of property in African slaves. I therefore argued that any citizen owning slaves had the right to take them with him into the common territory—the same right that enabled any citizen to take with him his property of whatever character, with the understanding that when a Territory was admitted as a new State, it had the right to determine whether it would be slaveholding or free.

Also I controverted the statement that the United States had paid $200,000,000 for Texas; and showed that while the Government had paid $800,000,000 for acquired territory, that $600,000,000 of that sum had gone to the North.

I showed that out of the 2,174,566 square miles so acquired, the slaveholding States of Florida, Louisiana, Missouri, Arkansas and Texas had been formed with 457,605 square miles of territory; and that California, Washington, Iowa, Minnesota, Dakota, Nebraska, and Oregon, containing 1,732,877 square miles, had become free States; and that all the balance of the acquired territory was likely to become such.

When I accepted the nomination for a seat in Congress, which was made against my wish, I stated my objection to entering into political life, and that I must not be expected to be a candidate for a second time. While a member of the 35th Congress I wrote home that I would not accept a second nomination. During the 35th Congress there was a strong feeling, especially among the extreme Southern Rights men, in favor of filibustering to acquire additional territory from Mexico, Cuba, and Central America, and for the reopening of the African slave-trade, and for the creation of additional slave States, to restore the balance of power between the North and South. As I did not contemplate asking for reelection, I determined to avoid a discussion of these questions because I did not desire to go out of public life in a political contest. However, my views being challenged in the House of Representatives, I made a brief statement of my opposition to filibustering and the reopening of the African slave-trade. The following excerpt* well stated my position on the vital questions of the day, showing my attitude toward the National Government in unequivocal words:

> Now, in regard to the other question, as to whether my sentiments favor the South, or agree with the North, I desire to say this: That I have been, and, I trust am, as faithful an advocate of the doctrine of the rights of the South, and of a strict construction of the Constitution, as any man in the country; and that whenever aggressions from any source, or from any cause, shall be made on any of the States, to strike down the rights of the States, or deprive the people of any of their liberties, I will unite with my people in any necessary movement to protect

*Cong. Globe, 35th Cong., 2d Sess., Part II, 1467.

their rights from aggression. I have always professed to be a national man; and in twelve speeches that I made in my district last summer, I declared that I never advocated a sentiment in Texas which I would not advocate in every State, district and township in the Union.

I repudiate all sectional heresies. I repudiate everything that is not national; everything that looks to the violation of the moral law, to build up political parties, or sectional parties. And it was because I placed myself on the great principles of nationality, because I had defied faction and fanaticism in the South, as I defy faction and fanaticism in the North, against their aggressions and designs on the Constitution and the Union, that, perhaps, an attempt is now made to arraign me before the Congress of the United States, and before the people of Texas, on the ground that I am a national man. Why, sir, I have gone through the trial. I defied the issue. I have met those who met me upon it. I am going home on the same principles to appeal for the Constitution and the Union, for the rights of the States and the equality of the people, for the doctrine of the Kentucky and Virginia Resolutions of 1798-99, and Mr. Madison's report on them; for all that is right and all that is just, against the demoralizing doctrines of filibusters, and against the dangerous heresies of reopening the slave-trade. I never dodged an issue; and if my whole heart could be exposed to the people of the Union, it would be seen that I never dodged an issue in my life. If I cannot remain in public life as a patriot, I am always prepared to go into private life as an honest man, entertaining no opinion that is not faithful to the Union, faithful to the rights of the South, faithful to the rights of the people, faithful to the oath that I have taken to support the Constitution, faithful to all my obligations as a citizen of this country. I do not love public life; and I would scorn it whenever it is to be held by a sacrifice of that manly dignity which ought to envelop every American freeman. I denounce fanaticism in the South with the same distinctness that I denounce the fanaticism of abolitionism in the North. They are both heresies. They are alike dangerous to the Constitution and the Union; alike dangerous to the mission of this great and glorious Republic; alike opposed to every noble aspiration of an American statesman and patriot. Let combinations be made to put me down. I defy them. I go before an honest people, who can afford to let their Representative be an honest man, and express patriotic sentiments. Let them put me down, if they dare. I defy them to the issue.

CHAPTER VII

Reelection to Congress

The address given in the preceding chapter caused very bitter denunciation of me by the leading newspapers of the State, such as the *Galveston News,* the *Houston Telegraph,* the *State Gazette* of Austin, and the *Marshall Republican;* in fact, by nearly all the newspapers of the State and by nearly all the active politicians. There were but three weekly papers, so far as I know, that sustained me, and two of these gave but a qualified support. With the exception of Hon. G. W. Smyth of Jasper and Hon. R. B. Hubbard of Smith County, I did not know of a man in active political life in the State that was not opposed to my views. Besides charging me with being too national to be a proper representative of a Southern constituency, the abuse of me was so personal and so vile that when I read it in the newspapers I would burn them to keep my wife from seeing what was said about me. She had opposed my acceptance of the nomination for Congress the first time, and wished me to abandon political life. Among other things it was argued that I declined to be a candidate for reelection because I knew I could not be elected.

After bearing in silence these attacks as long as I could, I took a few of the newspapers containing them, marked the articles and asked my wife to read them, so as to advise me on my return in the evening as to what I ought to do. On my return I found her very much excited, and she urged that I ought to become a candidate, if I resigned as soon as elected. I told her that with her consent I would enter the race not to resign, for I could scarcely hope to beat all the

politicians and all the newspapers. But, at least, I added, I could fight my adversaries, and I thought I could do something toward impressing sound political morality on the public mind. I accordingly announced myself as a candidate for reelection to Congress, subject to the action of the Democratic convention.

Entering on the canvass, I had from two to five speakers opposed to me at all my appointments, before the nominating convention met. The principal points they made against me were: (1) That I was too national in my views to be a fit Representative of our district; (2) that I was opposed to filibustering and reopening the African slave-trade.* To these charges my reply was, that I was in favor of the preservation of the Union under the Constitution as made by the fathers, and that I was opposed to the Abolitionists of the North and to the Secessionists of the South; that I was opposed to filibustering because we would not be justified in morals or in law in making war on and murdering and robbing people who had done us no harm, as a matter of political policy; that I was opposed to the African slave-trade, independently of any question of morality, because the United States had treaty engagements with a number of great nations, prohibiting that trade, and it could not be revived without violating our treaty obligations, and probably involving us in a war with the other great nations; and because a majority of the people of the United States were opposed to it; and because it was impracticable, unreasonable, unjust, and unstatesmanlike.

Notwithstanding such formidable opposition as I had to meet, wherever I discussed these issues before the people I saw and knew as well as if I had been down among them, that the most of them agreed with me. When the convention met, it nominated me on the first ballot by a majority of about three-fourths. The other one-fourth bolted and nomi-

*The State convention had voted down a resolution in favor of filibustering and the reopening of the African slave-trade.

nated an able and eloquent man, Judge Wm. B. Ochiltree, an extreme "Southern Rights" man. The result was that I defeated him by one of the largest majorities that any candidate for Congress ever got in the State. During that canvass I gave to the public a circular letter, from which I quote the following extract, illustrative of my views:

These doctrines of filibustering and the reopening of the African slave-trade are chosen as those best calculated to secure the execution of their designs, because they appeal directly to the bad passions most easily awakened, and most difficult to reason with, those by which the people are encouraged to believe they are to be enriched suddenly and without patient toil, which has heretofore been regarded as necessary to secure wealth. These doctrines are not, and are not intended to be Democratic; but they are, and intended to be purely sectional and revolutionary. And I appeal to the Democracy of Texas, in the name of the Constitution and the Union, in the name of the rights of the States and the liberties of the people, in the name of law and order, in the name of good government and sound morals, and for the happiness of our people and perpetuation of our institutions to sustain the old, the pure, the time-honored doctrines of our party; and put down these sectional and revolutionary doctrines. I know those who favor these doctrines will apply to me their cant expressions of submissionist! Submission to what? To be happy in a good government and obedient to just laws, and observant of sound morals? Certainly to these I submit. But I shall be called a *Union saver,* and charged with yielding to Northern aggression and surrendering the rights of the South. But no act, no vote, no speech of my life will warrant this. I have seen and understood the baleful effects of the sectional and revolutionary doctrines of the Abolitionists of the North, and have resisted and denounced them whenever and wherever I could do so. And I have often declared, and now repeat the declaration, that if they obtain the power to do so, and so attempt to abridge the constitutional rights of the States, or deprive the people either in the States or the Territories of their constitutional rights, I would regard it as an act of revolution, and appealing to the first great law of nature, the law of self-preservation, I would urge the States to fall back on their sovereignty, and resist the power of the usurpation by every means necessary to secure their rights.

The Abolitionists are a sectional, a revolutionary, and fanatical party who have no respect for the Constitution and laws of our country or for the rights of their fellow-men. Our Southern agitators are alike sectional and revolutionary, and are now beginning in their meetings and speeches to show the same disregard for the Constitution and laws, and the same disposition to violate the rights of others. Both claim rights superior to the Constitution and laws of the land, and claim the right to invade other people and despoil them of their property at whatever expense of human life and suffering. I denounce and defy them both, and appeal to the people to arrest the lawless career of each of them and restore our country to its former security. We expect Northern and Northwestern Democrats to resist the Northern sectionalism at whatever cost to themselves. They respond like pure patriots to our expectation, and often fight the most hopeless battles for the Constitution and the Union. We admire their self-sacrificing patriotism, and glory in their illustration of the pure principles of Democracy, and in that sublime grandeur of faithful integrity and moral courage which enables them to fight a hopeless battle bravely and meet defeat and proscription without a murmur, for the sake of maintaining such a government and such institutions as ours. And now that the sectional storm lowers here; now that sectionalism requires its victims here, who will go with me to the sacrificial altar if need be? Who will prove with me that the Democrats in the South are as ready to make the sacrifices which we expect the Democrats in the North to make? I know not what others may do, I only speak for myself; I will maintain the Constitution and laws of my country. I will maintain the moral law and the principles of justice. I will maintain the rights of the States and the liberties of the people. I will maintain the principles of economy in public expenditures and a strict accountability of all public officials. I will maintain the principles of the Democratic party in the construction of the Constitution, the powers of Congress, and the reserved rights of the States. I will resist sectionalism and revolution and fraud and force and wrong alike faithfully, whether they come from the North or from the South.

I remained thus devoted to the Union until the Republican party obtained the control of the government and answered our appeals for the protection afforded by the Constitution,

by saying they were in the majority and that we had to submit; thus proposing to substitute the will of a popular majority of the people of the Union for the Constitution of the United States, with its limitations on the powers of the Federal Government. I loved the American Union with a passionate devotion, and witnessed with an aching heart the unjust and unconstitutional crusade which led to disunion and war.

On the assembling of the 36th Congress in December, 1859, a serious contest occurred in the attempt to elect a Speaker of the House of Representatives. The membership of the House was made up of three parties, the Republican, the Democratic, and the Know-Nothing or American. This situation was further complicated by the division of the Democrats into extreme States' Rights or Breckinridge, and the Squatter Sovereignty or Douglas Democrats. Neither party had a majority. The Republicans had a plurality, but not enough to elect. The Breckinridge Democrats embraced the great body of that party.

On the first vote for Speaker, Thomas S. Bocock, Democrat, received 86 votes; John Sherman, Republican, 66 votes; Galusha Grow, Republican, 43 votes; Thomas A. R. Nelson, American, 14 votes. The remaining votes scattered. On the second ballot, Mr. Sherman received 107 votes; Mr. Bocock, 88; Mr. Gilmer, 22; the balance scattering. On the third ballot, Mr. Sherman received 110 votes; Mr. Bocock, 88; Horace Clark, Douglas Democrat, 20. On the fourth ballot, Mr. Sherman received 108 votes; Mr. Bocock, 86 votes; Mr. Gilmer, American, 22.

After the balloting for Speaker had continued one week, it was found that Mr. Bocock could not be elected and he withdrew his name as a candidate for that office. Late on Saturday evening, a committee composed principally of Democratic members, with Hon. John A. Gilmer of North Carolina, as their spokesman, called on me at my hotel and informed me that a meeting had been held at which it was

determined, if I would consent, to put me in nomination for the Speakership of the House, on the coming Monday. I stated to them that I had not such a national reputation as to warrant my selection for that position; that while I had some parliamentary experience, I had never made a study of parliamentary law and rules; that if I were nominated and elected on party lines I would be a minority Speaker and would be likely to be overruled at any time; and that for these reasons I should have to decline.

On Monday morning I met the Hon. Horace Clark, who was a Representative from New York City, in the cloak room, before the House was called to order. He stated to me what he understood had occurred at the conference in my room on the previous Saturday evening; and that while he did not wish me to understand that he proposed a bargain, if I would agree to constitute the Committee on Territories with a majority of Douglas Democrats, and make him chairman of the Committee on Commerce, I could be elected Speaker by eight majority on the first ballot. I stated to him that I did not agree with the views of Senator Douglas as to the powers of Congress or a territorial legislature to exclude slaveholders from the Territories, the common property of all, while in a territorial condition, and had taken this position in the debates in the House; and that to constitute a committee in opposition to my known views would subject me to criticism. "And," I added, "while you know my feelings of friendship, if by any chance I had been elected Speaker, there was no one whom I would have been more likely to appoint to the position you mentioned than yourself; now, however, after this conversation, if I should be elected Speaker, I could not make the appointment."

After I took my seat on the floor of the House, the Hon. James L. Pugh, a Representative from Alabama, lately a Senator in Congress, and now a resident of Washington, D. C., and the Hon. Lawrence M. Keitt, a Representative from South Carolina, came to me and stated what they had

learned of the conversation between Mr. Clark and myself, which they must have learned from Clark himself, and advised me to accept his proposition, saying that if I did the Democrats would have control of all the committees but one. I suggested that if the knowledge of such a proposition should go to the country it would be condemned by the Democracy. With the votes of the Breckinridge Democrats, aided by the members of the American party, represented by Gilmer, and of the Douglas Democrats, represented by Clark, I suppose my election would have been certain. And it was not until the first day of February that an end came to the struggle in the election of the Hon. William Pennington of New Jersey. Thus passed the possibility of my being the recipient of this high honor.

In due course I introduced bills to make an appropriation for the support of a mounted regiment of volunteers for the defense and protection of the Texas frontier; and to reimburse the State of Texas for money theretofore paid out by that State for frontier defense. Later I introduced a joint resolution reciting Mexican and Indian depredations on the people of the Rio Grande frontier, and providing an appropriation of $5,000,000 to be placed at the disposition of the President to assure the safety of that quarter.

The most important matter which came before this Congress, apart from the sectional agitation, was the Pacific Railroad Bill. After examining it I felt obliged to oppose its passage in the form in which it was presented, because under its provisions men without investing a dollar could control the stock of the company and thereby enrich themselves at the expense of the corporation, and before the work on the road was begun. I offered an amendment providing, among other things, that in any incorporation of the stockholders of said company, to carry out the provisions of this act, no person should be permitted to subscribe stock to a greater amount than the cash value of his estate, to be determined by the parties named in the act, or by the board of

directors as the case might be, by oath or otherwise; and providing for a board of directors who should succeed the stockholders in the management of the company; and open stock books, the share to be $100; and that no one person or firm should be allowed to subscribe for more than $500,000 of the stock, and that five per cent. of the stock so subscribed should be paid in cash to the company at the time of taking the stock.

I discussed the provisions of the bill at great length, and among other things said:

I have adopted in my substitute the names embraced in the original bill (of stockholders). I have not intended to interfere with objects of the committee in framing the bill, except to adopt a new principle of action with regard to the persons who shall have the future control of the road. I submit the amendment in good faith, and I believe it is founded on principles that will commend themselves to the whole House. Of course it will be understood that if a railroad bill is to pass for the construction of only one road, I should desire to see that road go over what is called the southern route, believing it, as I do, the cheapest road to build, the one that would pay best after it was built, and one which, on account of it not being blocked by snows in winter, would extend more accommodation than any other to the whole nation. I have not made an amendment proposing the southern route—my colleague has already offered an amendment for that purpose.

In this same speech I said:

I will state some of the reasons which have induced me to adopt this course. The committee's bill invests arbitrarily and absolutely, in the particular persons whom they have entrusted, the franchises of this great work, the control of the work. The public lands, and the government subsidies, are given to them, and the control and direction of the private capital which may be invested for the purpose of completing the work. We have no means of knowing whether the men the committee have selected are railroad men, or men of character and means. I do not know but they may be men of the strictest probity. I presume they have been selected because they are; but there

exists no reason, if this corporation shall prove beneficial to themselves, why these franchises should vest in them exclusively more than in any other set of men. It is not known that they will invest one dollar of their own capital in this enterprise; and if they invest anything, it is not known how much. Others may furnish the entire private capital for carrying on the work, but still the entire control of the enterprise is vested in these particular men, without reference to the interests of the Government, without reference to the interests of commerce, and without reference to the private capital employed in the construction of the work. Now, what I propose to do is, not to defeat the plan of the committee, but rather to carry it out. My proposition is, to vest these franchises not in men who are not stockholders of the concern, but in those men who pay their own money for the purpose of securing the success of the enterprise.

Again I said:

The great object of this amendment is to adopt what I regard as a sound policy in respect to the rights and powers to be vested in the corporators, and in respect to having the franchises of the work placed in the hands of men who furnish the capital. I desire to avoid those speculative influences which have prevented the success of at least one important railroad enterprise within my knowledge, by the control being placed in the hands of men who have no money to invest, and whose whole object is to make a speculation out of the charter.

The measure, somewhat amended, was eventually passed; and its corrupt history proved that I was right in opposing it.

My speech delivered in Congress on the 15th of January, 1861, sets out fully the reasons why I could not remain in that body. It was intended to show how fully and clearly the Southern members of Congress, and the Southern people, realized the trouble likely to follow the success of abolitionism and the precipitation of the "irrepressible conflict." This speech was made without previous special preparation or notes and was printed without being revised by me, and tens of thousands of copies of it were subscribed

for and circulated by Senators and Representatives. It was made in reply to the speeches of my friends McClernand of Illinois, and Cox, then of Ohio. I said among other things: "These two gentlemen have been recognized as able leaders of the States' Rights and strict construction Democracy, but now when our devotion to those doctrines is to be maintained by a severer test, they abandon them and become a tail to the abolition kite." Before I left the hall Mr. Cox came to me with the words, "What you said about McClernand and myself was very bad and I wish you would strike it out of the Record." To this I answered,—for I entertained a very strong friendship for both of them,—"As we shall probably never meet again unless it is on the battlefield, I will strike it out," and I went to the reporter and requested him to omit this statement from the Record.

I saw Mr. Cox no more until during the National Democratic Convention which met in Baltimore in 1872, when Horace Greeley was nominated for the Presidency. He left his seat with the New York delegation and came to where I sat with the Texas delegates, and as he approached me, extended his hand and said, "I examined the Record the next morning and you had struck it out."

We served together in the House several years after the war, and kept up an occasional correspondence to the time of his death, as good friends; and I learned after being liberated from prison at Fort Warren, that General McClernand had twice visited Washington in his endeavor to secure my release; and we, too, kept up an occasional correspondence as long as he lived, and were strong personal friends. I put him in nomination for Speaker of the House in the 46th Congress.

I showed, too, in my speech of January 15, that the people of the South desired the perpetuation of the Union and the preservation of peace if these could be had under conditions which would maintain the rights of the States and of the people. Up to this time I had been an ardent Unionist,

denouncing all schemes and views favoring its disruption, whether they came from the North or the South. But when we were told that we must submit to the violation of the Constitution, the overthrow of the rights of the States and the destruction of three thousand million dollars worth of property in slaves,—property recognized by the Constitution, Federal and State laws, and by the decisions of the Supreme Court of the United States,—I could no longer agree to such a Union, and determined to join in any measure which might defeat it.

The student of history may find it interesting now, in the light of the past, to read this speech, which is reprinted in another part of this work.* If it is found to be defective in point of composition, I ask that it be remembered that it was an extemporaneous address, delivered without notes, and not revised.

*See Appendix A.

CHAPTER VIII

Causes of the War Between the States

This question cannot be fairly discussed without a reference to historical facts more or less remote. George Bancroft, in his *History of the United States* (Vol. I, p. 159) says: "Slavery and the slave-trade are older than the records of human society: they are found to have existed wherever the savage hunter began to assume the habits of pastoral or agricultural life; and, with the exception of Australasia, they have extended to every part of the globe. They pervaded every nation of civilized antiquity."

Slavery existed among the Egyptians, the Hebrews, the Babylonians, the Phœnicians, the Greeks, the Romans, and, until later years, in every modern civilized nation on earth. At the time it was planted in the American colonies it was justified by the priesthood on the ground that it was taking the Africans from a condition of barbarism and cannibalism to where they could learn useful vocations, the methods of civilized life, and something of the Christian religion. Slavery was introduced into the American colonies long before the American Revolution by the people and crowned heads of Great Britain, France and Spain, and by the Dutch merchants. At the date of the Declaration of Independence, African slavery existed in all the colonies; and at the adoption of the Constitution, in all the States but Massachusetts. The Constitution of the United States, devised by the patriotic fathers, who, by their skill, courage and endurance won our independence, contained the following provision on that subject:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

The same article further provides that:

The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Thus was provision made for a continuance of the slave-trade for twenty years after the adoption of the Constitution. Another clause reads:

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

This was clearly intended to give the sanction of the Constitution to the right of the owner of slaves to recapture them if they escaped and to control their persons and labor. I quote these clauses of the Constitution to show that the institution of African slavery was recognized by it as lawful, and was protected specially by its terms; and for the further purpose of showing that if slavery was a sin it was a national sin, and that the whole nation was responsible for its existence, and that if the Constitution had permitted it to be abolished it should have been done at the cost of the nation. But, in fact, the Congress had no power, under the Constitution, to abolish it. It had always been treated as a domestic and local institution, which the several States might abolish or retain, independently of the power of Congress; and it had been abolished by a number of States.

It must be understood that I am not discussing the question of whether slavery was right or wrong; and certainly not with a view to its revival; but some consideration of the legal status of the institution must of necessity precede what I shall say about the war between the States, and is essential to a fair and just understanding of the causes of that great struggle.

As time wore on the people of the Northern States found slavery to be unprofitable and sold their negroes to the planters of the South, where they could be more profitably used on the cotton, tobacco, and sugar plantations. Subsequent to the American and French Revolutions, the opinions of the people of western Europe and of the United States changed on the subject of slavery, and Great Britain and France freed their slaves in the West India islands; and these islands have ever since remained in a chronic condition of revolution.

The slavery question early began to be discussed in the United States, and anti-slavery societies were formed; and societies for the colonizing of negroes in Africa were organized especially in the Southern States. A few persons manumitted their slaves, mostly in the South, and in a few instances they were to be made free at a certain age. The agitation of the question soon assumed a sectional character and brought about a more or less violent agitation. This caused Northern politicians to seize upon it as a means of obtaining popular favor, and caused the people of the South to cease the discussion of the question except to defend it. There was indulged much unreasoning fanaticism by the enemies of slavery following this, and the agitation produced sectional parties North and South, and became a real danger to the Union. It should be borne in mind that in the discussion of this question, the abstract right of man to personal liberty was substantially the only question considered. The Abolitionists would not discuss the question of race or its fitness and capacity for civilization and self-government.

In 1856 the anti-slavery men were organized into a sectional political party and nominated John C. Frémont of California for President, and William L. Dayton of New Jersey for Vice-President. These candidates received 114 electoral votes, all from Northern States; while James Buchanan of Pennsylvania and John C. Breckinridge of Kentucky, the Democratic candidates, received 174, and were elected. Encouraged by this evidence of strength, in 1860 the anti-slavery party nominated Abraham Lincoln of Illinois for President and Hannibal Hamlin of Maine for Vice-President; and this ticket secured exclusively from the Northern free States 180 votes, and was elected, John C. Breckinridge receiving 72 electoral votes, John Bell 39, and Stephen A. Douglas 12 (though he received a very large popular vote). From this it is seen that the slavery question had become strictly sectional, as between the North and the South. During the struggle over the fugitive slave law fourteen of the Northern States had passed what they called "personal liberty" laws, making it a penal offense for any officer or citizen to return or aid in returning a fugitive slave to his master; thus attempting to nullify the provisions of the Constitution, which they had taken an oath of office to support, and defying the acts of Congress and the decisions of the Supreme Court of the United States on this great question. And here I quote the following extract from a speech delivered by the Hon. W. H. Seward, in the city of Boston on the 27th of August, 1860, during the canvass for President and Vice-President, within less than three months of the time at which Lincoln and Hamlin were elected to the positions of President and Vice-President of the United States. This quotation is made to show that Seward, one of the most pronounced leaders of the Republican party, and Lincoln, who was elected President by that party, were distinctly committed to the doctrine that there was a higher law than the Constitution of the United States, on which they relied to secure its overthrow. And it is quoted to

show that these two great leaders of that party were in full harmony of view with the members of the State legislatures, which had passed the "personal liberty" laws to nullify the provisions of the Constitution and laws, and the decisions of the courts on this subject. Mr. Seward said:

What a comment upon the wisdom of a man is given in this single fact, that fifteen years only after the death of John Quincy Adams, the people who hurled him from power and from place, are calling to the head of the nation, to the very seat from which he was expelled, Abraham Lincoln [enthusiastic applause], whose claim to that seat is that he confesses the obligation of that higher law [applause] which the sage of Quincy proclaimed; that he avows himself for weal or woe, for life or death, a soldier on the side of freedom in the irrepressible conflict between freedom and slavery [prolonged applause]. This, gentlemen, is my simple confession. I desire, now, only to say that you have arrived at the last stage of this conflict, before you reach the triumph which is to inaugurate this great policy into the Government of the United States. But let not your thoughts and expectations be confined to the present hour. I tell you, fellow-citizens, that with this victory comes the end of the power of slavery in the United States.

And I make the following quotation from the speech of Mr. Chase, delivered before the Peace Congress, which assembled in Washington City on the 6th of February, 1861. Among other things, he said:

Aside from the territorial question—the question of slavery outside of slave States—I know of but one serious difficulty. I refer to the question concerning fugitives from service. The clause in the Constitution concerning this class of persons is regarded by almost all men, North and South, as a stipulation for the surrender to their masters of slaves escaping into free States. The people of the free States, however, who believe that slaveholding is wrong, cannot and will not aid in the reclamation, and the stipulation becomes, therefore, a dead letter. You complain of bad faith, and the complaint is retorted by denunciations of the cruelty which would drag back to bondage the poor slave who has escaped from it. You,

thinking slavery right, claim the fulfilment of the stipulation; we, thinking slavery wrong, cannot fulfil the stipulation without consciousness of participation in wrong. Here is a real difficulty, but it seems to me not insuperable. It will not do for us to say to you, in justification of non-performance, "the stipulation is immoral, and therefore we cannot execute it"; for you deny the immorality, and we cannot assume to judge for you. On the other hand, you ought not to exact from us the literal performance of the stipulation when you know that we cannot perform it without conscious culpability. A true solution of the difficulty seems to be attainable by regarding it as a simple case where a contract, from changed circumstances, cannot be fulfilled exactly as made. A court of equity in such a case decrees execution as near as may be. It requires the party who cannot perform to make compensation for non-appearance. Why cannot the same principle be applied to the rendition of fugitives from service? We cannot surrender—but we can compensate. Why not then avoid all difficulties on all sides and show respectively good faith and good will by providing and accepting compensation where masters reclaim escaping servants and prove their right of reclamation under the Constitution? Instead of a judgment for compensation, determined by the true value of the services, and let the same judgment assure freedom to the fugitive. The cost to the national treasury would be nothing in comparison with the evils of discord and strife. All parties would be gainers.

Mr. Chase soon afterward was made Secretary of the Treasury of the United States by Mr. Lincoln, who later elevated him to the Chief Justiceship of the Supreme Court of the United States. His speech is a deliberate statement, from one of the ablest and most distinguished men of the Republican party, that they repudiated and would not comply with the provision of the Constitution requiring the rendition of fugitive slaves. He says that "the people of the free States believe that slaveholding is wrong, and will not aid in their reclamation, and the stipulation [of the Constitution], therefore, becomes a dead letter." He also says, "You [the people of the South] ought not to expect from us the literal performance of the stipulation" of the Constitution. The compact of Union, without agreeing

to which the Union could not have been formed, the Constitution which the President, the Secretary of the Treasury and Chief Justice of the Supreme Court of the United States, and every other high officer of the United States and of the State government had to take and did take a solemn oath to support, was disregarded, along with the acts of Congress and the decisions of the highest courts, because of the modern opinion of a political party, that these were all based on immorality. Can one well conceive of a more dangerous and startling excuse for violating the fundamental law, destroying the social and industrial system of fifteen States of the Union, and the sacrifice of three thousand million dollars of property in slaves?

But Mr. Chase proposed to substitute for the provisions of the Constitution a compromise by paying for the slaves. He could not be, and was not, ignorant of the fact that the members of his party, in the Congress which preceded the election of Lincoln as President, would not consent even to discuss or to consider the question of paying for the liberation of the slaves. He knew, as we were all made to know, that the anti-slavery party had not the most remote intention of paying for them. And his speech, in this respect, was but the pitiable attempt of a really able man to cover up an unconstitutional proceeding marked by all the badges of hypocrisy and bad faith.

These facts show that Seward and Chase, the two greatest leaders of a great and then dominant political party, just entering upon the control of the Government of the United States, were engaged in teaching their party what would appear to be treason by a palpable and intentional overthrow of the Constitution, a nullification of the acts of Congress, and a contemptuous disregard of the highest courts, intending to change the character of the Government by revolutionary methods.

Mr. Seward, one of the prominent Republican candidates for the Presidency, and one of the most influential members of that party, who became Secretary of State under Lincoln,

had declared that the slavery question presented an "irrepressible conflict." Later, Abraham Lincoln, who in time became President, declared that the "country could not remain half free and half slave." That could only mean that the agitation must go on until the people of the non-slaveholding States could secure the abolition of slavery by unconstitutional means; for there was no other way by which their purpose could be accomplished.

This agitation caused the inauguration of a civil war in Kansas, in which many lives were lost and much property destroyed. John Brown, who had obtained a bad notoriety in Kansas, went back to the Northeast and organized an armed band of revolutionists from the Northern States, with which he invaded the State of Virginia for the purpose of inaugurating a servile war between the white and black people, with all the barbarism and cruelty which would of necessity be engendered by such a war. They fortified themselves at Harper's Ferry, in that State. A few persons were killed and Brown and some of his associates were captured, tried in the civil courts, condemned and hanged for treason. The Northern people, instead of condemning the dreadful crime of Brown, in a number of instances draped their churches in mourning and spoke of him as a martyr; showing their approval of this treasonable and revolutionary invasion of the South.

During the Congress which immediately preceded the war, thirty-odd compromise measures were presented in the two Houses of Congress, all of them offered by Southern men or Northern Democrats, for the purpose of trying to get some plan adopted by which war and secession could be avoided, and the rights of the States preserved. Every one introduced in the House of Representatives was received with hooting and derision by the Republicans. When the Southern members appealed to those from the North to aid them in some measure of peace which would preserve the Constitution and preserve the rights of the States and of the people of the

South, such appeals were answered by the statement, "We are in the majority and you will have to submit." The Southern members and the Southern people did not want secession—they only sought the protection which was due them under the provisions of the Constitution. The Southern people had always shown their devotion to the Union, even while the New Englanders were threatening secession and disunion.

I have gone through with the statement of some of the facts of history, in order to do my part in dealing with what were the opinions and practices of the whole world as to slavery, and to fix the responsibility for that great war and the enormous destruction of life and property where it properly belongs, and to show that it was forced on the South by a revolutionary movement for the purpose of overthrowing so much of the Constitution as protected slavery, and so much of it as concerned the question of States' Rights and States' Sovereignty. But they were also influenced by other great and controlling questions relating to the industrial and financial affairs of the country, as I shall show further on.

It has been assumed and is assumed by those who were our adversaries that it was an unnecessary war, and that it was brought about by political leaders in the South. I think the facts I have presented show that the rights and sovereignty of the States, and the social and industrial systems of the South, and property, valued at about three thousand million dollars, were dangerously menaced by the policy and action of half the States and two-thirds of the white population. Even with all this threatened wrong, the South sought by every means in its control to avoid an unequal war. The people of the South had no organized government, they had no army, no navy, no treasury, and the most limited means for creating any of these, as the South had not been a manufacturing country. In attempting to withdraw from the Union they hoped to do so peaceably

and had no purpose to interfere in any way with any of the rights of the Northern States. They simply desired to withdraw from association with a government which had already demonstrated its deadly hostility to the rights and interests of their citizens; and to establish for themselves a government friendly to their own interests. Those who were our adversaries have never dared, so far as I know, to discuss the incidents which preceded and led up to the war. The whole public record is against them. They limit what they have to say to what occurred during the war, and to a fraudulent pretense that they were fighting for the old flag and to preserve the Union. Doubtless hundreds of thousands of soldiers were made to believe this great falsehood, and were engaged in what they believed to be a patriotic war; but the great leaders of opinion who gave form and force to the policy and movements which caused the war, either did so as reckless political demagogues or for the purpose of producing a condition of things which they knew would inevitably cause war. Such will no doubt be the conclusion of the impartial historian after the passion and prejudices of that struggle shall have died away. Fortunately for the truth of history, all of the material facts which show the causes leading to the war are so far matter of record as to give the people of after times its true account.

I quote the following paragraph from Dr. Curry's *Civil History of the Confederate States,* as it expresses better than I could the sentiments which come into my mind after writing the foregoing:

> One of the most singular illustrations ever presented of the power of literature to conceal and pervert, to modify and falsify history, to transfer odium from the guilty to the innocent, is found in the fact that the reproach of disunion has been slipped from the shoulders of the North to those of the South.

To illustrate the opinions of the American people, and the policy of the Government of the United States in the past, in addition to the quotations from the Constitution, and the

reference to the acts of Congress, and opinions of the Supreme Court referred to in former pages, it may not be inappropriate to state the following historical facts:

General Washington, who commanded the armies during the war which separated this country from Great Britain, was the president of the convention which formed the Constitution of the United States; he was chosen by the people as the first President, and served in that office for two terms, eight years; and he was understood to be the largest owner of slaves in the United States. Mr. Jefferson, who was President eight years; Mr. Madison, who served as President two terms; Mr. Monroe, who filled the office two terms; General Jackson, who served as President eight years; Mr. Polk, four years; and General Taylor, who was elected President and died during his term of office, were all slaveholders. Many Senators and Representatives in Congress, many governors of States, many justices of the Supreme Court, circuit and district courts of the United States, many high State officials, including legislative and judicial officers, were slaveholders. Thousands of Christian men and women, as devout and sincere as any on earth, including ministers of the gospel, were slaveholders. The more fanatical of those who were engaged in the crusade against slavery denounced slavery as a sin, as the sum of all villainies, and must therefore have held that all the great and good men and women I have just referred to were wicked, sinful, and villainous. Is this just and reasonable?

It is proper to say that before the slavery agitation became sectional and political, numbers of slaveholders and others in the Southern States questioned the policy of slavery; a few set their slaves free; others favored the colonization of the negroes in Africa; and many felt that it was a bad inheritance from which they did not see how they were to be relieved. The system of slave labor was gradually giving way in the border slave States, such as Maryland, Kentucky and Missouri; and if the people of the Southern States had

not been subjected to the fanatical crusade which precipitated war, slavery would probably have slowly and finally disappeared in all of them.

The slaves in the United States before the war were estimated to be of the property value of three thousand million dollars. This property was acquired under the authority of the Constitution and laws of the United States, and of the States where it existed. Under such conditions was it patriotic, was it just, was it reasonable for the people who did not own slaves,—citizens of States where slavery did not exist, which States and citizens had no right or authority over the matter in States where it did exist, and where it was protected under the Constitution and laws, Federal and State,—to attempt to interfere or to control it? On this question the States, and the people of different States, had no more right to interfere with each other than if they had belonged to different nations.

After the South had been forced into a war by the unconstitutional and unlawful course of the North, the people of the North assumed, and now insist, on so falsifying history as to make it appear that the war was the result of Southern policy. Surely in the face of the recorded history of the past, this attempted great fraud cannot stand the test of time and of impartial examination.

On a previous page I suggested that there were other controlling causes of danger to the perpetuation of the Union besides the question of slavery. I shall content myself by a general statement of some of these causes, without elaboration, as they form a part of the public general history of the country.

In the convention which formed the Constitution there was a serious division of opinion among its able and patriotic members as to the character of the government they were to establish. A number of the leading statesmen of that day, with Thomas Jefferson as their leader, favored a reversal of the old-world theory that political sovereignty

resided in the head of the government, and that the people were the subjects of that sovereign, insisting that the people were citizens and not subjects; that sovereignty resided in the citizens, who had the right to make, alter, or amend their form of government as they chose; that they possessed sufficient intelligence and virtue to create, organize, and so administer the government as to secure protection to life, person, and property and to maintain order in society; and that public officers were public servants. There were other able and patriotic statesmen of that time, with Alexander Hamilton at their head, who doubted the capacity of the people for self-government, and who believed a strong government should be formed for the purpose of giving protection to life, person, and property, with power to control refractory States; a government somewhat on the plan of the English government, omitting royalty and aristocracy. Looking to the history of the past, and remembering that the plan of self-government, as proposed, was an experiment, it is not surprising that these differences of opinion should have then existed. The aim of one of these parties was for the largest liberty of the people, consistent with the maintenance of good government, and to limit the powers of the Federal Government to jurisdiction over such matters as related to international questions, and to questions of interstate policy, leaving the States with sovereign jurisdiction over all local and domestic questions. The other party favored a government with larger and more general powers. Those who favored limiting the powers of the Federal Government succeeded in getting their views imbedded in the Constitution.

After the adoption of the Constitution opinions remained divided between those who favored a strict construction and those who favored a latitudinarian construction of it. This division, under one and another name, has continued down to the present time; first as Federalists and Republicans, afterward as Democrats and Whigs, and later as Demo-

crats and Republicans. Neither of these antagonistic parties has ever been willing to accord to the other fidelity to the Union. The danger arising from these divisions, while remote in the past, has ever been present, and now threatens the safety of the Union, under the Constitution, more seriously than at any former time.

The jurisdiction of Congress has been greatly enlarged by the Republican party. Some of its measures in legislation, and in the attempt at legislation, have gone much beyond anything proposed by the early Federalists. The late President Garfield, in a speech delivered in the House of Representatives during the session of Congress preceding his nomination for the Presidency, declared his preference for the theory of General Hamilton rather than that of Mr. Jefferson. After that declaration he was nominated and elected President by the Republicans. The current action of that party shows that it favors a centralized general government. One of its boasted achievements, as a result of the war, is that it destroyed the doctrine of States' Rights. That means that it claims to have enlarged the powers of the Federal Government beyond what was intended by the Constitution, and that it has correspondingly abridged the powers of the State governments. This lets in on us a brood of mischiefs which may prove fatal to our constitutional government and to civil liberty.

Other causes which threatened the perpetuity of the Union grew out of the jealousy and selfishness of the New England States. When the United States in 1803 acquired the Louisiana Territory those States protested vehemently against its acquisition, partly on the ground that it would give a preponderance to the agricultural States over the manufacturing States; and they threatened to secede from the Union. In the blindness of their jealousy, they seemed unable to realize that the larger the area of free trade within the Union the more extensive would be the market for their manufactured goods. They no doubt now understand that.

The war of 1812-15 with Great Britain was engaged in by the United States perhaps more for the protection of the shipping interests and the commerce of that section of the Union, and to protect their seamen from unlawful impressment by the British cruisers, than for any other single cause. The people of New England opposed that war, encouraged the British, and called a convention to consider whether they would not withdraw from the Union. When the question of the admission of Missouri into the Union was being considered, they again urged the view that its admission would increase the power of the agricultural States to the disadvantage of the manufacturing States, and again they threatened to secede from the Union. The same contention was made when Texas was admitted; and again when the treaty of 1848 between the United States and Mexico was being considered, which contemplated the cession of a considerable part of the territory of Mexico to the United States, as indemnity for the expenses of the war brought on by the acts of the Mexican Government.

A chief purpose of the manufacturers and capitalists of New England was to control the financial policy of the Government so as to advance their pecuniary interests. In 1831-32 they had so far succeeded through unjust tariff legislation, as to drive South Carolina into nullification, and came near involving the Country in a war; which was only averted by a gradual reduction of the tariff.

On the several points here suggested, and to show what the views of the people of that portion of the Country were as to the right of a State for sufficient cause to secede from the Union, I make the following quotation from an address delivered by the Hon. John H. Rodgers, one of the judges of the district court of the United States, at a Confederate reunion at New Orleans, in May, 1903:

"An assemblage of citizens of Boston in Faneuil Hall in 1809, state, in a celebrated memorial, that they looked only to the State legislatures, who were competent to devise relief against

the unconstitutional acts of the General Government. 'That your power is adequate to that object is evident from the organization of the Confederacy.' "

Here is distinctively recognized the doctrine that each sovereign State has a right to judge alone of its own compacts and agreements. This must, of necessity, be true unless the right to interpret the compact or agreement has been waived, or the power conferred upon another. This language of Madison is buttressed by the acts of ratification of the Constitution by some of the States. Virginia said in her ratification act:

"The delegates do in the name of Virginia declare and make known that the powers granted under the Constitution of the United States may be resumed by them whensoever the same shall be perverted to their injury or oppression, and that every power not granted thereby remains with them at their will."

New York was even more specific, and Maryland and other States showed equal concern in jealously safeguarding the sovereignty of the States.

In the prior history of the country repeated instances are found of the assertion of the right of secession and of a purpose entertained at various times to put it into execution. Notably is this true of Massachusetts—indeed, of all New England. In 1786, when the States were bound by the Articles of Confederation, we are told that the situation was "dangerous in the extreme." The agitation in Massachusetts was great and it was declared that if Jay's negotiations, closing the Mississippi for twenty years, could not be adopted, it was high time for the New England States to secede from the Union and form a confederation for themselves.

Plumer traces secession movements in 1792 and 1794, and says, "All dissatisfied with the measures of the government looked to a separation of the States as a remedy for oppressive grievances."

In 1794 Fisher Ames said: "The spirit of insurrection has tainted a vast amount of country besides Pennsylvania."

In 1796 Governor Wolcott of Connecticut said: "I sincerely declare that I wish the Northern States would separate from the Southern States the moment that event [the election of Jefferson] shall take place."

Horatio Seymour, on October 8, 1880, in a public address in New York City, thus spoke: "The first threat of disunion was uttered upon the floor of Congress by Josiah Quincy, one of the most able and distinguished sons of Massachusetts.

At an early day Mr. Hamilton, with all his distrust of the Constitution, sent word to the citizens of Boston to stop their threats of disunion and let the government stand as long as it would. When our country was engaged with the superior power, population, and resources of Great Britain, when its armies were upon our soil, when the walls of its capitol were blackened and marred by the fires kindled by our foes, and our Union was threatened with disaster, the leading officials of New England threatened resistance to the military measures of the Administration. This was the language held by a convention of delegates appointed by the legislatures of three New England States and by delegates from counties in Vermont: 'In cases of deliberate, dangerous, and palpable infraction of the Constitution, affecting the sovereignty of a State, and liberties of the people, it is not only right but the duty of such State to interpose for their protection in the manner best calculated to secure that end. This covers the whole doctrine of nullification.' I may add, it covers the whole doctrine of secession, for it recognized the right of the State to determine when infractions of the Constitution have occurred, and to apply their own remedies."

The men who uttered these threats, which gave "aid and comfort" to the enemies of this country while they were burning its capitol, were held in high esteem. To this day the names of George Cabot, Nathan Dove, Roger M. Sherman, and their associates are honored in New England.

The acquisition of Louisiana, in 1803, created much dissatisfaction throughout New England, for the reason, as expressed by George Cabot, Senator from Massachusetts, and the grandfather of Senator Henry Cabot Lodge (in whose *Life of George Cabot* the statement is made): "That the influence of our (northeastern) part of the Union must be diminished by the acquisition of more weight at the other extremity." At the time secession, or the separation of the States, was freely discussed with no suggestion of any idea among its advocates that it was treasonable or revolutionary.

Colonel Timothy Pickering, an officer in the Revolution, afterwards Postmaster-General, Secretary of War, and Secretary of State in Washington's Cabinet, and afterwards for many years a Senator from Massachusetts, was also a leading secessionist in his day. In Lodge's *Life of Cabot* his letters to Senator Cabot reveal his convictions of the power in a sovereign State to sever its connection with the Union. In one of his

letters, written in 1803 to a friend, he says: "I will not despair. I will rather anticipate a new Confederacy, exempt from corrupt and corrupting influences and oppressions of the aristocratic Democrats of the South. There will be (our children at the farthest will see it) a separation. The white and black population will mark the boundary."

In another letter he says: "The principles of our Revolution point to the remedy—a separation; that this can be accomplished without spilling one drop of blood, I have little doubt."

Other quotations to the same point, found in the letters of Colonel Pickering, might be given. The occasion forbids. Such were his views of the nature of the compact under the Constitution. He was a revolutionary patriot, a friend and associate of Washington, and a trusted servant, during many long years, of Massachusetts.

In 1811, in the debate of the bill for the admission of Louisiana into the Union, Josiah Quincy, a member of Congress from Massachusetts, said: "If this bill passes, it is my deliberate opinion that it is virtually a dissolution of the Union; that it will free the States from moral obligation, and as it will be the right of all, so it will be the duty of some definitely to prepare for that separation, amicably if they can, violently if they must."

Cabot, Quincy, and Pickering were strong Federalists, not misguided advocates of States' Rights, but friends of a strong, centralized Federal Government.

All of us know of the Hartford Convention, held in 1814, growing out of the war with Great Britain, in which were representatives regularly elected by the legislatures of Massachusetts, Rhode Island and Connecticut, and representatives irregularly chosen from New Hampshire and Vermont. They sat with closed doors, but it is known that their object was the discussion of the expediency of those States withdrawing from the Union and setting up a separate Confederation. They determined upon its expediency then, but published to the world the conditions and circumstances under which its dissolution might become expedient.

In the years 1844-45, when measures were taken for the annexation of Texas, the legislature of Massachusetts passed a resolution that: "The Commonwealth of Massachusetts, faithful to the compact between the people of the United States, according to the plain meaning and intent in which it was understood by them, is sincerely anxious for its preservation; but it is

determined, as it doubts not the other States are, to submit to undelegated powers in no body of men on earth; and that the project for the annexation of Texas, unless arrested on the threshold, may tend to drive these States into a dissolution of the Union."

I need offer no apology for making this long quotation, which fully sustains my briefer reference to important facts of history; and shows very conclusively that the people of that part of the Union now entertain very different views as to the right of a State to secede, from those they formerly advocated. Their arguments of late years, on this question, would convict their fathers of threatened revolution and treason, which would seem to be rather unfilial; and creates a suspicion of hypocrisy, and can hardly be classed as political honesty.

It is a noteworthy fact that while the representatives of the other States disapproved and condemned these threats of secession, they never denied the right of a State to secede when there was no other remedy against wrongs and oppressions.

I could wish to be dealing in recitals of a more pleasant character, but the foregoing facts are a part of the history of the times with which I have to deal; and if they are not of as cheerful a nature as might be desired, it must be remembered that it is the facts themselves, and not the recital of them, which may be disagreeable. If the action of the people of New England, at the time mentioned, was patriotic, the action of the people of the South from 1861 to 1865 must also have been patriotic. If the people of the South from 1861 to 1865 were rebels and traitors, those of New England must also have advocated rebellion and treason.

In the end the alternative was offered to the Southern people to submit to all this, to surrender the protection of the Constitution and laws of the United States, and to become the degraded and dishonored victims of Northern fanaticism and abolitionism and avarice, or to secede from the Union

and form a government friendly to their own rights and interests. They chose the latter alternative, and, after one of the most heroic struggles known to history, and such a sacrifice of life and property as has hardly been equaled in any war, they failed to maintain their independence and separate nationality, and were doomed to pass through all the crime and horror of the years of Reconstruction. And they are now citizens of a country governed by a party which has enlisted under its banners the corporate wealth of the banks, the railroads, the manufacturing establishments, the great trusts; and instead of a constitutional government resting on great principles, and controlled by patriotic citizenship, we have a government largely outside of the Constitution, controlled by class interests and money, and labor organizations; with a contest between capital and labor as to which shall be the master, and get the most money from the people.

Notwithstanding the horrors of the war between the States, the crimes and robberies of Reconstruction, the annulment of the State governments of the South, the disfranchisement of the white race, and the enfranchisement of the negro, the people of the South have reestablished civil governments, revived their industries, and restored prosperity for their people. Hard as their fortune has been in the past, they have accepted the new conditions, and hope for the restoration of constitutional principles of government, and for the maintenance of popular liberty. The Constitution once covered and protected the people wherever the American flag floated, but now by the action of Congress and the decisions of the Supreme Court its flag covers vast extents of territory and ten millions of people where the Army and Navy carry it, but where the inhabitants are not under the government and protection of the Constitution. For some purposes they are in the United States, and for other purposes they are aliens; a condition and a policy which indicate that Congress and the Supreme Court consider the Constitution of the United States unconstitutional.

When we consider the departures from the Constitution since the year 1860, the increase of the jurisdiction of Congress, the growth and expenditures of the Federal Government, no thoughtful man can fail to feel a sense of anxiety and fear for the future of the great Republic. I shall not object to the criticism these thoughts will subject me to, if they shall in any degree have the effect of directing attention to the dangers which now lie before us.

CHAPTER IX

Organization of the Confederate Government

Shortly after the delivery of my protest against the measures proposed by Congress concerning the South, I left my seat and started for Texas. This was toward the end of January, 1861. My conduct finds its excuse in the hard logic of the situation; for it had become apparent that the people of the Southern States could no longer expect the protection of the Constitution. When we appealed to the Republicans to grant our rights under the Constitution, they answered by saying, "We have the majority, and you must submit." It soon came to the point that I felt I could not sit with them and retain my self-respect and be faithful to the rights and honor of the people I represented.

When I reached New Orleans, I learned that I had been elected a member of the Texas State Convention; and instead of going to my home, I went to Austin, the capital, where the convention was to meet. I arrived there on the morning of the third day of the session. At the breakfast table I met several members of the convention; and inquired whether any effort had been made to secure the cooperation of the State administration with the convention. I was answered in the negative, with the added statement that they feared Governor Houston would not receive any overture in a friendly spirit, he being opposed to the secession of the State from the Union. My relations with him were such that I felt we could confer freely together on the matter, and soon after breakfast I called on him at his office in the Capitol, and informed him that I had come to ascertain whether

cooperation could be had between the State government and the convention on the subject of the course which should be adopted by our State.

After he disposed of some routine business, he invited me into his private room, where we at once entered upon this subject. In answer to some suggestions of mine, he said, "You know I am a Union man and opposed to secession." I replied that I knew he was, but that the sectional trouble had reached the point where individual opinions might have to yield to the necessities of the State. He replied, "The people are going to war on the question of slavery, and the firing of the first gun will sound the knell of slavery." My answer was that many persons thought there would be no war, that the commercial and manufacturing interests of the North and East would cause them to oppose a war, and that it was thought these same interests abroad, especially in Great Britain and France, would cause them to use their influence for peace. His reply to me was that the passions and prejudices of the North would provoke them to disregard these material interests; that Great Britain had been for forty years working to stimulate sectional hostility between the North and the South, looking to the disruption of the Union; that she desired this because of her jealousy of the great Republic, and because a war with us would enable her to build up her cotton planting interests in India; and that the people of France were still more opposed to our system of government, and war here would give that nation time to strengthen its cotton planting interests in Algeria.

During the war on several occasions I recalled his prediction when reading the newspapers of London and Liverpool, which it was understood reflected English sentiment; and I called the attention of the President and Cabinet more than once to the fact that when the Confederates won a victory these journals seemed to favor the Federal side, and that when the Federals were victorious, the Confederates were flattered.

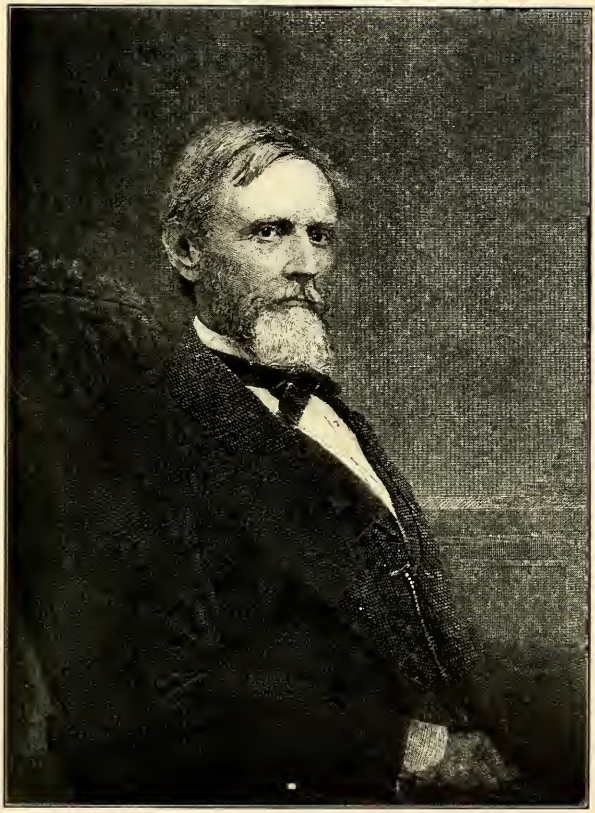
In the further course of our conversation I referred to President Houston's commanding position in Texas and the South, and to the fact that at a time of such peril they had a right to look to him for counsel. He answered that he had been born and reared in the South, that his honors had all come from that section, and that while he was opposed to secession, he would not draw his sword against his own people.

On the 2d day of February the convention passed an ordinance dissolving the connection of Texas with the Government of the United States; and a few days later delegates were elected to a Provisional Congress, which had been called by the seceding States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana. I was one of those chosen, and was associated with Louis T. Wigfall and John Hemphill, ex-United States Senators, T. N. Waul, John Gregg, and W. B. Ochiltree.

My absence from home during the session of Congress and the convention at Austin rendered it imperative that I should go there on my way to Montgomery, and because of this delay I reached that place after the other delegates.

On February 4, 1861, the convention of the Southern States met in Montgomery, and on the 8th of February it adopted a provisional Constitution. This was followed by the adoption of a permanent Constitution on the 11th of March, creating a new government, which was styled "The Confederate States of America." On the 9th of February Jefferson Davis of Mississippi was elected President, and Alexander H. Stephens of Georgia, Vice-President.

Mr. Davis was a graduate of the Military Academy at West Point, had served a number of years as a commissioned officer in the Army of the United States, and after resigning, for some years had engaged in the management of his plantation, and in the study of the physical sciences. He was elected to the Congress of the United States, was offered by President Polk an appointment as brigadier-general in the



Jefferson Davis

war with Mexico, which was declined on the ground that under the Constitution he believed the officers of the volunteer forces should be elected by those they were to command. He resigned his seat in Congress to accept the command of a regiment of Mississippi rifles. In the war he distinguished himself by his courage and especially by the celebrated V formation in the Battle of Buena Vista, where he received a severe wound. Returning home he was soon afterward appointed United States Senator. In the Cass and Taylor campaigns of 1848 he was chosen Presidential elector on the Democratic ticket. In 1853 he resigned his place as Senator to accept the appointment of Secretary of War under President Pierce. At the end of his service as Secretary of War he was again elected to the Senate of the United States, which position he resigned on the passage of the ordinance of secession by the State of Mississippi. He had acquitted himself with distinguished ability and fidelity to duty in every official and private relation.* On the 6th of November, 1861, he was elected President of the constitutional government of the Confederacy, for the term of six years, and was inaugurated on the 22d of February, 1862.

Vice-President Stephens, a distinguished citizen of the State of Georgia, and a lawyer of prominence, represented many years one of the districts of that State in Congress, exhibiting ability of a very high order and being ranked as one of the ablest debaters in that body.†

President Davis selected the Hon. Robert Toombs of Georgia for the position of Secretary of State. He had served for many years the people of Georgia, with much

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*After the war, President Davis crowned the great labors of his eventful life by writing and giving to the public his history of the *Rise and Fall of the Confederate Government,* in two volumes, and his short history of the *Confederate States of America,* a most valuable exposition of the cause and the conduct of the war between the States.

† Vice-President Stephens, like President Davis, rounded the labors of a useful and distinguished life by writing and publishing in two volumes a history of the *War Between the States.*

distinction in both the House of Representatives and the Senate of the United States. Mr. Toombs was a man of massive intellect, strong will, and of very clear and deep convictions on public questions. He was the peer of the ablest in the Senate of the United States.

The Hon. C. G. Memminger of South Carolina was made Secretary of the Treasury. He was a capable and learned man, one of the leading lawyers of his State, and an experienced and able financier. Added to this, he was a real Christian gentleman.*

The Hon. Leroy Pope Walker of Alabama became Secretary of War. He was a talented lawyer and an earnest patriot, and became one of the hardest working members of the Cabinet.

The Hon. Stephen R. Mallory of Florida was made Secretary of the Navy. He was an accomplished scholar, a prominent lawyer, and an amiable, excellent man. He had served his State in the Senate of the United States for many years, much of the time at the head of the committee on naval affairs. His was a very difficult position to fill, as it required of him the creation of a naval establishment in the absence, in a large measure, of the necessary materials, and with the very limited manufacturing facilities of the Confederacy. His achievements in this respect were greater than could have been expected.†

Judah P. Benjamin of Louisiana was appointed Attorney-General. He ranked with the best lawyers of the United States, and served with marked distinction the State of Louisiana in the United States Senate. He was a learned and most eloquent advocate. After the war he went to England, wrote a book on the law of *Contracts,* and had conferred on him the honor of being made Queen's Counselor.

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*Since his death Bishop Capers of South Carolina has given to the public *The Life and Times of C. G. Memminger,* which, among other matters, sets forth much valuable information about the finances of the Confederacy.

†See the *Confederate Navy,* by Thomas Scharf.

I did not arrive at the seat of government until after the election of the President and Vice-President; but took an active part in the later proceedings.

When I reached Montgomery I called on the President, and in our conversation said to him that if I had been present at the election I should not have voted for him; not, however, because I distrusted his fitness for the high office, but because I wanted him at the head of the army. This position, he confessed, would have been more agreeable to him. I added that I should not have voted for Mr. Stephens, because it was the first time I had known of a people embarking in a revolution and selecting as one of their leaders a person known to be opposed to it.

On March 6, much to my surprise, President Davis tendered me the portfolio of Postmaster-General, which I declined; and a second tender was also declined. It had been previously offered to Mr. Ellet of Mississippi, who had been for eight years a prominent member of the Congress of the United States, and to Col. Wirt Adams, a distinguished citizen of the same State. I feared to undertake the rôle. Mr. Davis informed me that Mr. Ellet and Mr. Adams had both declined for the very reasons which had influenced my conclusion. After I had declined the second time, I was called on by several members of the Congress, among them Gen. T. N. Waul of Texas, and Hon. J. L. M. Curry of Alabama, later of Virginia, and was requested to accompany them to see the President. After reaching the Executive Office, the question of the appointment of a Postmaster-General was brought up, and I was urged by these members of Congress, and by the President and his Cabinet, to accept the position. My objection was, that our people under the Government of the United States had been accustomed to regular postal facilities; that when the service under that Government came to an end, it would require considerable time to reestablish such a service, and that in the mean time dissatisfaction would arise on account of the want and

necessity of mail facilities, and that this would most likely be supposed to arise from the incapacity of the head of that department; and that while I would gladly perform my duty to the Confederacy, I did not desire to become a martyr. It was insisted that we must not concede that there was a department of government which we could not organize. The President and the members of his Cabinet, and the members of Congress who were present, stated that if I would accept the portfolio they would do all they could to aid me and sustain me against any unjust criticism. I very reluctantly consented to accept the position, and on retiring from this meeting, instead of feeling proud of the honor conferred on me, I felt that I was to be condemned by the public for incapacity.

Thus, then, was constituted the Executive machinery of a government which was about to undertake problems the like of which the world has perhaps never seen.

The attempt to organize and to administer the Government of the Confederate States, in view of the disadvantages under which it was made, growing out of the disparity of population, wealth and resources, was a severe trial upon the wisdom, the courage and the endurance of her people. That conflicts of opinions should have arisen between those charged with the responsibility for this great movement was to have been expected. But in common fairness there ought to have been no other conflicts as to the facts involved, than such as may have grown out of the different view points of those concerned, or out of defects of memory. It is to be regretted that differences have grown up between able and good men who sustained the Confederate cause. And it is to be feared that these conflicts of opinion have not in all cases shown all the parties to them to have been free from ambition, jealousy and selfishness. It is unfortunate that patriotic men devoted to a cause so sacred should have misunderstood one another, and it is much more unfortunate that they should have so far yielded to passion and to prejudice as to indulge in misrepresentation.

I am led to these observations because of what seemed to me to be studied misrepresentations of President Davis and his Cabinet on important public questions.

First. It was assumed by Vice-President Stephens, by Governor Brown of Georgia, by Gen. Joseph E. Johnston and others, that the failure of the Confederate Government, at the beginning of the war, to purchase all the cotton in the Confederacy, and ship it abroad, to be used in buying ships and war material, showed that the President and Cabinet did not understand or realize the gravity of the situation of the Confederacy, and failed to make use of this means of success.

Second. That President Davis by his instructions to the Hampton Roads Commissioners caused the failure of that conference to agree to terms of peace, and that this made him responsible for the continuance of the war, the sacrifice of life and property, and sufferings of the people which followed.

Third. That the President favored and approved the law of conscription of 1862, which it was alleged was unnecessary, unwise and unconstitutional.

Fourth. That President Davis was self-willed and arbitrary, and extreme, and refused or rejected the prudent counsels of others.

I do not wish to be understood as assuming that these were the only grounds of criticism of the President and his Cabinet; but refer to them as the points chiefly relied on by that class of persons who sought to discredit and bring into disrepute his administration of the Confederate Government, both during and after the war.

I will consider the above stated questions in the order named.

First. The President and Vice-President of the Confederacy were elected on the 9th of February, 1861, some days before the arrival of Davis at Montgomery, Alabama, the temporary capital of the Confederacy. The Provisional

Congress of the Confederacy was assembled on the 18th day of February, 1861. The organization of the Cabinet was not completed until the 6th of March, 1861. Mr. Horace Greeley, who was a very earnest advocate of abolitionism, and a strong Union man, denied the authority of the Federal Government to coerce the States. During the first session of the Provisional Congress of the Confederacy the *New York Herald* favored the adoption by the United States of the Constitution of the Confederacy as the best means of reconciliation and of avoiding a war. And General Winfield Scott, at the head of the Army of the United States, was reported to have said, "let the erring sisters go," meaning the Southern States.

The postal service and the express companies of the United States remained in full operation in all the Southern States until the first of June, 1861, when they were succeeded by the service under Confederate authority. On the 26th of February, 1861, President Davis appointed Messrs. A. B. Roman of Louisiana, Martin J. Crawford of Georgia, and John Forsyth of Alabama, as Commissioners to the Government of the United States, with authority to negotiate for a peaceful settlement of all questions between the Confederate and the United States Governments. On the 13th of March, 1861, Commissioners Forsyth and Crawford submitted to Secretary of State Seward an offer for the peaceful adjustment of the differences between the two governments, which was rejected by Seward. I make the foregoing statements to show that up to the time of the conflict at Charleston Harbor, April 13th, 1861, hopes were still being entertained that war might be averted; and that, therefore, no foresight, up to that time, could have pointed to the necessity of the Confederate Government endeavoring to get control of the cotton in the Southern States.

In order to show the injustice and the unreasonable character of the charge that the Confederate authorities were derelict in failing to control the whole or even the greater part of this cotton I submit the following facts:

Bishop Capers in his history of the life and times of the Hon. C. G. Memminger, who was Secretary of the Treasury of the Confederacy, referring to the criticisms of Gen. Joseph E. Johnston of the Confederate authorities, says:

The substance of General Johnston's charge is that the failure of the Confederate cause was due to the failure of its finances; that the Government failed to adopt the true financial policy, which was easy enough to do, and "generally understood in the country." Having made this very remarkable charge the General proceeds to unfold his plan as follows.

The government was organized in February, and he states that the blockade of the Southern ports, though proclaimed in May, was not made "effective" until the end of the following winter—a period of twelve months—in which "it would have been easy" to ship and convert into money four or five million bales of cotton, etc.

It must certainly surprise the reader when he looks into this grave proposition that the four or five million bales of cotton had no existence except in the fancy of the General. The total crop of 1860-61 was officially reported as 3,849,000 bales. Of this 3,000,000 bales had been exported up to February, the month when the Confederate Government was organized, and 600,000 bales were in the hands of the New England spinners, the seed for the next crop (1861-62) not being yet in the ground. It is needless to examine into the merits of this scheme any further. Granting that the cotton did exist in the Southern States, it would have been impossible, as Mr. Memminger clearly shows, to have shipped any large quantity of it. So that the whole charge of failure of the financial policy by General Johnston resolves itself into a fleet of phantom ships loaded with phantom cotton. This singular charge has only been noticed on account of the high source from which it emanates, and because of the currency which the idea has obtained among a class of critics.

I make the following quotation from the answer of Secretary Memminger to the charges of General Johnston:

CHARLESTON, March 27, 1874.

TO THE EDITOR OF THE *News and Courier:*

I observe by your paper of yesterday, which extracts a passage from General Johnston's book, that he follows the ancient

example of our forefather Adam, in casting the fault of a general calamity on some other person. He attributes the failure of the Southern Confederacy to the blunder of the Government, at its first institution, in not possessing itself of the cotton crop then in the hands of the planters. This cotton (according to the General) should have been shipped in anticipation of the blockade, and it would then have furnished a basis for future credit. As I was at that time in charge of the Treasury Department, the responsibility of this failure would rest chiefly on me; and you will therefore not consider it out of place that I should correct misapprehensions which seem to have misled yourself as well as General Johnston.

In this connection we should bear in mind the facts herein stated, which show that there was not sufficient reason to obtain the cotton, because of the possibility of avoiding war until after the 13th of April. And the blockade having been put in force in May would leave less than a month in which to have obtained and sent abroad so large a quantity of cotton. I quote again from this letter of Secretary Memminger:

This would have required a fleet of four thousand ships, allowing one thousand bales to a ship. Where would these vessels have been procured in the face of the notification of the blockade, and was not as much of the cotton shipped by private enterprise as could have been shipped by the Government?

I quote again from Memminger's letter:

At the commencement of the Government the Treasury had not funds to pay for the table on which the Secretary was writing; and the first purchases of the Government made abroad were made on the private draft of the Secretary. There was not to be found, in the whole Confederacy, a sheet of bank note paper on which to print a note. Forecasting this need, the Secretary had ordered from England a consignment of note paper and lithographic materials, the vessel containing which was captured on the high seas; and many of the friends

of the late Colonel Evans, of our city, will remember that he nearly lost his life in the attempt to bring across the lines a single parcel of note paper. It is within the memory of the printers of these notes, that months elapsed before bonds or notes could be engraved and printed; and these constituted our entire currency. How, then, was cotton to be paid for?

And when the mechanical difficulties were overcome, the financial presented an equal barrier. The scheme for raising money, adopted by Congress, was to issue Confederate notes, funding the redundant notes in interest-bearing bonds; and all payments at the Treasury were made with these notes. The daily demands on the Treasury exceeded greatly the means of supply. Now, if instead of applying the notes to the daily payments required at the Treasury they had been used to purchase cotton, the Treasury would have found itself filled with cotton, without any money to meet the wants of the Government until that cotton could be shipped and sold.

If instead of payment in notes the bonds of the Government had been used to purchase the cotton crop, those bonds would have been thrown in the market to meet the necessities of the planters, and their value as a means of funding the surplus currency would have been destroyed. It is obvious to any one acquainted with finance that this would have broken down the Confederacy currency within the first year of its existence, whereas the plan pursued sustained the credit of the Confederacy until broken down under calamities by which no credit could survive.

The question of the purchase of the cotton for the use of the Government was fully discussed and considered by the President and Cabinet; and for reasons like those suggested by Secretary Memminger, and for others, it was held to be impracticable to attempt to secure the whole cotton crop, or even that part of it which remained in the hands of the planters, after the 3,000,000 bales had been exported, and after 600,000 bales had gone into the hands of the New England spinners, up to the time of the organization of the Confederate Government; except to purchase so much of the cotton as could be obtained and shipped through the blockade. A good deal of the cotton (I cannot give the

approximate amount) was so obtained, paid for by the notes or bonds of the Confederacy, and shipped to Europe for the purchase of arms and other supplies and to meet the necessities of the Government for funds to be used by our agents abroad.

Other important facts are shown in the volume above quoted, which shows the silly absurdity of the attacks made on the Government on this account.

These attacks were encouraged by Vice-President Stephens, and industriously urged by a few persons who seemed to suppose it to be necessary to defame the President and his Cabinet in order to increase the reputation of Mr. Stephens for statesmanship. And they succeeded in deceiving many others who had no such purpose in view, and among them Gen. G. B. Gordon and Gen. Richard Taylor, who were induced to adopt the views of Stephens and General Johnston on this question.

Mr. Memminger was a man of great ability, an earnest patriot, and sincerely devoted to the cause of the Confederacy. And while his reports as Secretary of the Treasury show his thorough understanding of the questions involved in the management of the Treasury Department, the failure of Congress to second his views, in connection with the inherent difficulties of the problem, caused him to resign the post of Secretary of the Treasury on the 15th of June, 1864.

Second. Referring to the attacks on the President connected with the Hampton Roads Conference. I have fully demonstrated their absurdity and injustice in another part of this book, and need make no further reference to this in this connection.

Third. When the Congress, during its first session at Montgomery, was preparing regulations for the organization of the Army of the Confederacy, because of the experience of President Davis as an officer in the Army and as Secretary of War of the United States, the committee having bills for that purpose in charge, called on him with them, for

his advice and assistance. The committee had proposed a bill for the enlistment of soldiers for the term of six months. Mr. Davis suggested to them that the term of enlistment should be made longer; that it would require six months to train the raw infantry soldiers, and to inure them to camp life, and that it would require twelve months to make cavalry efficient. He also stated to the committee that we could enlist as many men for the term of three years or during the war as we could arm and equip. It was urged by the members of the committee that by enlisting men for the short term of six months so many could be called into the service, as by their numbers to prevent a war. It was also assumed by them that one Southerner would be equal to two or more Northern men. To these suggestions Mr. Davis replied that we could not rely on the number of soldiers we might put in the field to prevent war. He also stated that while the men of the South were as a rule more ready to resent personal insult than those of the North, his experience caused him to say to them that in an army organization they had better recognize the necessity of man for man. He stated to the committee that by enlisting men for three years or the war they would provide for an army, and that we could get as many men as we could arm and equip. It was suggested that we would in all probability have a short war. His reply to this was that the war was more likely to last thirty years than to end in a short time, and that it might be we would not live to see the end of it. After discussing the matter all he could do was to induce the committee to provide for the enlistment of men for the term of twelve months. And such was the provision made for our army.

In view of General McClellan's contemplated advance upon Richmond, and owing to the uncertainty as to whether he would move by the inland route, as had been done by his predecessors, or by way of the Chesapeake Bay and Fortress Monroe, it was agreed, after a conference between the President and General Johnston, that our army should fall back

from the line of the Occoquan, and take position in Stafford County, in the vicinity of Fredericksburg, after taking time to move his army supplies back, and after, by the use of barges in the night time, removing our heavy siege guns from Cock Pit Point on the Potomac, down to Aquia Creek. This movement was made in March, 1862. I may elsewhere say something of the ill advised and unnecessary haste with which this was done, involving as it did the useless destruction of a large amount of army supplies.

The first law of conscription passed by the Confederate Congress became effective on the 16th of April, 1862. It provided among other things for putting all the men of the Confederacy, between the ages of eighteen and thirty-five, into the military service, and for retaining in the service the men who had enlisted for twelve months, until the end of a three years' term, but under the conditions named providing for the reorganization, and for allowing them furloughs and the pay of bounty. In March, 1862, General McClellan put in motion his plan of concentrating his forces at Fortress Monroe. On the 6th of April, President Lincoln wrote him that he had an army of over 100,000 men. On May 1 General Johnston ordered the evacuation of Norfolk by our army. And on the 10th of May the officers of the Navy abandoned and burned the *Virginia.* And when the great battle of Seven Pines, in front of Richmond, was fought on the 31st of May and 1st of June, 1862, McClellan had an army of over 100,000, the Confederates 73,000. The Confederates lost in the battle killed, wounded, and missing 6,084. The Federal loss was 5,739. The greater loss of the Confederates was due to their attacking the Federals in their intrenchments. This battle was fought in the immediate vicinity of the capital of the Confederacy. Its safety depended on the result.

In January, 1862, our forces had been defeated and Roanoke Island lost, and Pamlico Sound opened to the enemy. The great battle at Corinth had been fought and lost on the

6th of April, 1862, in which the aggregate of our killed, wounded, and missing was 10,697.

I have made this recital in order to show the peril in which the Confederate cause was placed on the date at which the conscription law became effective, April 16, 1862.

At that time the Confederate Army was composed chiefly of men who had enlisted for the term of twelve months, and the term of most of them would then soon expire. After the defeat of the Federal forces at Bull Run that Government recognized the necessity of a real army, and when General McClellan advanced on Richmond he had a thoroughly organized, equipped, and drilled force of 100,000 men. If our men were to retire at the end of their twelve months' service, our only hope would be to get together an army of raw, undisciplined soldiers to meet the great and well organized and disciplined armies of the United States.

This was the problem presented to the President and Congress. If Congress had adopted the views of Vice-President Stephens and Governor Brown of Georgia and a few others in opposition to the law of conscription, this would have caused an inglorious collapse of the Confederacy in 1862. Now, since our cause was lost, it may be said such a result would have prevented the great battles and loss of life and property which subsequently occurred.

But was there a patriotic or a sane man in the Confederacy at that time, in view of what must have followed such a result, who would have been willing to surrender our cause and our hopes without a further earnest and manly struggle for self-government, independence, and liberty? Either that or the enactment of the law of conscription was necessary. In view of the facts here presented, who is there that would say that law should not have been passed? Then as to its expediency. Its constitutionality was sustained by the decisions of the courts of several of the States. Among them was Virginia, in the case of Burrough *vs.* Payton and Abrams *vs.* Payton. In them the court said: "The conscript

law is a legitimate exercise of the power of Congress to raise armies, which is distinct from the power to employ the militia of the country." And the Supreme Courts of the States of Georgia and North Carolina made similar decisions.

President Davis, in a letter in answer to the position of Governor Brown of Georgia, dated May 29th, 1862, which is too long to be copied here, demonstrates, with unanswerable effect, the necessity, the constitutionality, and the wisdom of the passage of that law. See his *Rise and Fall of the Confederate Government,* pages 506 to 514.

Fourth. In reference to the charge that Mr. Davis was self-willed and arbitrary, and would not accept the advice of others, and was extreme in his views, I say that after an acquaintance with him before the war, and after the war ended, and having confidential relations with him during that entire struggle, I think I am enabled to form a just estimate of his characteristics and the habits of his mind. My conclusion is that he had two characters—one for social and domestic life and the other for official life. In the first he was one of the most pleasant and genial men I ever knew, a remarkably agreeable conversationalist, and all women and children seemed instinctively to love him. In the second he was wholly given up to duty. When a subject came up for consideration, if important, his habit was to exhaust all available sources of information before reaching a conclusion. The conclusion once reached, that ended it. I suppose one of the reasons why some have supposed him to be self-willed was because they sought to discuss with him questions upon which he had formed and expressed his opinion; and because he would not re-discuss such questions, they assumed that he was arbitrary and self-willed. Any one knowing the great number of questions he had to pass on will understand why he could not consent to re-discuss questions already disposed of.

As to his refusing to accept advice, I will give an example to show the error of this supposition. During the early part

of 1863 the question was discussed between the President, his Cabinet, and Gen. R. E. Lee as to whether our army should go north of the Potomac. General Lee favored such a movement. One of his reasons for it was that army supplies had become scarce south of that river, while they were abundant north of it. My own belief is that he favored such a campaign because he believed he commanded an invincible army, which had been victorious in so many great battles, and in all of them against greatly preponderating numbers and resources. At the same time we were considering the importance and necessity of holding Vicksburg and Port Hudson, and thereby preserving our communications with the States west of the Mississippi, which was a matter of serious consequence.

In the Cabinet I opposed the plan of crossing the Potomac, and favored the plan of allowing General Lee to threaten such a movement, without executing it; and at the proper time for 25,000 or 30,000 of his army to be sent to reinforce General Pemberton at Vicksburg. This view was not favored by any other member of the Cabinet, and I had to give it up. While I had very decided views on this subject I had to yield. I could not expect, on such a question, to overrule the opinion of great military men like President Davis and General Lee. After a time the President received dispatches and letters from both military men and civilians in high authority, urging the reinforcement of Pemberton by sending to his relief a part of General Lee's command. Mr. Davis called the attention of the Cabinet to these communications, and requested the members to meet him early the next day (Saturday) to consider the question so involved. This encouraged me. We met early the next day and remained in session until after dark in the evening, in the anxious consideration of the questions involved in the campaign of 1863. This ended by the conclusion that General Lee should cross the Potomac, and threaten Washington, Baltimore, and Philadelphia, and that Gen. J. E. Johnston

should collect such forces and supplies as he could in the Gulf States and go to the relief of General Pemberton. I will not now repeat the expressions I made when this conclusion was reached. I went to my residence an unhappy man, for I believed we had made a great mistake. I could get no relief by talking even to my wife, remained restless till probably midnight before going to bed, and did not go to sleep that night. I got up before daylight and wrote a note to the President telling him in substance that I felt so strongly that we had made a great mistake that I had not slept during the night, and asking him to again convene the Cabinet and reconsider that question. Very early in the morning (Sunday) I received his answer saying that he would reconvene the Cabinet the next day. It was not reconvened because before he had sent out his call for the Cabinet nearly all the members of it met in his office, and it at once appeared that it would be useless to attempt a further consideration of that subject. I have spoken of this more fully elsewhere. From this it is seen that after the deliberate consideration and decision of a great question the President was willing to reopen it for further consideration.

In reference to the charge that Mr. Davis was extreme in his views I make the following quotation from a letter of the Hon. J. A. P. Campbell of Mississippi, a member of the Confederate Congress:

> The idea that Mr. Davis was so extreme in his views is a new one. He was extremely conservative on the subject of secession.

I also make the following quotation from a letter of the Hon. Duncan F. Kenner of Louisiana, who was a leading member of the Confederate Congress:

> Who should be President? was the absorbing question. No other name was mentioned; the claims of no one else were considered, or even alluded to. There was not the slightest

opposition to Mr. Davis on the part of any of our delegation; certainly none was expressed; all appeared enthusiastic in his favor, and, I have no reason to doubt, felt so. Nor was the feeling induced by any solicitation on the part of Mr. Davis or his friends. Mr. Davis was not in or near Montgomery at the time. He was never heard from on this subject, so far as I know. He was never announced as a candidate. We were seeking the best man to fill the position, and the conviction at the time, in the minds of a large majority of the delegates, that Mr. Davis was the best qualified, from both his civil and military knowledge and experience, induced many to look upon Mr. Davis as the best selection that could be made.

This conviction, coupled with his well-recognized conservative views—for in no sense did we consider Mr. Davis extreme, either in his views or purposes—was the deciding consideration which controlled the votes of the Louisiana delegation. Of this I have not the least doubt.

One of the complaints sometimes made against Mr. Davis was that he was too conservative, adhered too closely to the letter of the Constitution and laws, and that it would be better for our success if he would give himself more latitude. His whole course of conduct showed him to be reasonable, conservative, and just.

CHAPTER X

The Confederate Post Office Department

On the way to my hotel from the meeting with the President, after I had accepted the office of Postmaster-General, I was thinking of how I might obtain the necessary information to enable me to organize the Department, when I met H. P. Brewster, Esq., a lawyer of ability and a brother-in-law of the late Senator Chestnut of South Carolina. I inquired of him if he was at leisure. He said he was. I asked him if he could go to Washington City for me. He said he could, and agreed that he would go at once. I requested him to come to my room at the hotel half an hour before train time, telling him that I would have his instructions ready, and letters to some persons in Washington. Communication was then still open by mail and express between Montgomery and Washington. I told Mr. Brewster that I wished him to perform an important service, and one not free from danger.

By the time Mr. Brewster called I had prepared letters to Senators Hemphill and Wigfall, who were still in Washington; and other letters to Saint George Offit, chief clerk in the office of the Sixth Auditor; to Benjamin Clements, chief clerk to the Postmaster-General; to Joseph Lewis, who was at the head of the bond division in the Post Office Department; to Captain Schwartzman, who was at the head of the Dead Letter Office; to Mr. McNair of the finance bureau; and to Mr. Hobby, Third Assistant Postmaster-General, requesting them to come and accept positions in the Post Office Department of the Confederacy, and to bring with

them copies of the last annual report of the Postmaster-General and every form in the Department, together with the postal maps of the Southern States.

All the men in the Department at Washington, to whom I wrote, came to me, except Third Assistant Postmaster-General Hobby, and a clerk from Florida whose name I do not recall. They brought to me all the information necessary to enable me to organize the postal service of the Confederacy, and also brought the postal map of Texas, but were unable to obtain the maps of the other Southern States. I instructed Mr. Brewster to have a part of the large books needed for the Department bound in Washington and forwarded to me at Montgomery by express. There was at the time the representative of a book binding company of New Orleans in Montgomery, who undertook to bind and furnish the principal part of the books for the Department and to send them by express. I had a few of the books bound in Montgomery.

Soon after the arrival of the gentlemen from Washington, they were assigned positions, and I made such additional appointments as the necessities of the service demanded. I then organized a school for the purpose of enabling the officers and clerks to qualify themselves for their respective duties, and for my own information, with sessions in the Department building from eight to ten o'clock each evening. The necessary books for the use of the Department were soon received, and with the information brought from Washington, the appointment books were quickly made up, containing the names of all the postmasters under our jurisdiction, with the amount of the receipts of their several offices, and showing whether they were draft or collection offices, and also showing the names and addresses of the route and special agents of the Department and the amount of compensation.

At the same time we prepared the books of the contract office, showing all the mail routes under our control, the names of the contractors for carrying mail on each star route

and the contract price, the names of the offices to be supplied, and the like information as to all the contracts with railroad and steamboat companies for carrying the mails. We also prepared a complete organization of the finance bureau of the Department. As Congress was then debating the question as to whether the accounts of the Post Office Department should be audited by that Department or by the Treasury Department, we organized the bureau for the auditing of the accounts, so that if that duty devolved upon the Post Office Department, we should be ready for it; or if upon the Treasury, we could furnish that Department with our plan of organization. It was determined, I think rightly, to put this duty on the Treasury Department.

Offices and furniture for the Department were obtained. The legislation of the Congress contemplated the organization of the Department on the same general plan and principles which were found in operation under the authority of the United States. In my first annual report it is stated that:

> To organize the Department so as to carry out the purpose had in view by Congress, to insure the continuance of our postal facilities in such manner as to meet the public necessities; to avoid the suspension of the postal service until a new system could be adopted and put into operation, and to prevent a serious shock to the public interests by a temporary suspension of mail service, were the first questions to be considered by the Department.

When the President determined to call Congress together in extra session in May, he requested the heads of the several Departments to furnish him with such data as would enable him to inform the Congress of the progress in organization which had been made. At the meeting of the Cabinet he called for the presentation of our reports, and I was able to state that the Post Office Department was as completely organized as that at Washington, with two proposed improvements, and that I was ready to inaugurate the postal

service of the Confederacy. The President seemed to be surprised at this announcement, and inquired what I meant. I told him that I had the books made up for the appointment, the contract and the finance bureaus; had also prepared the books for the bureau which might be required to audit the accounts of the Department; and that if he desired it, I would have such books as showed this brought for his inspection. He said, "No, I understand you; but," he added, "how were you enabled to do this?" I then explained what is shown by the foregoing facts.

In my report in which I proposed to take charge of the postal service, I requested that the Congress authorize me by proclamation to continue in office the postmasters then in service under the Government of the United States, wherever they were willing to serve, until new appointments could be made, and to continue in the service those who had the contracts for carrying the mails under their existing rate of compensation, where they were willing to serve, until new contracts could be made. The Congress promptly gave me this authority, and I at once issued my proclamation.

A draughtsman was obtained to make the necessary postal maps. The necessary blanks and forms (other than the blanks for the quarterly returns of postmasters), numbering more than two hundred, were prepared for the use of the Department.

In my first report I stated:

> I have directed the classification and arrangement of the duties of the several bureaus of the Department with a view to the harmony and efficiency of its operation, and for the purpose of exhibiting a clear and concise statement of the number and character of the clerical force required by the Department. It will be seen that a force of eighteen clerks, in addition to the twenty heretofore allowed by Congress, will be necessary to carry on the business of the Department, and one watchman will be necessary for the security of the building.

Elsewhere in this report I note:

The Department has advertised for bids for contracts for the supply of mail bags, postoffice blanks and paper for the same, wrapping paper, twine and sealing wax, circulars, marking and dating stamps, postage stamps and stamped envelopes, and for mail locks and keys.

These bids were to be made by the first of May. And a contract was made for the printing of all blanks for the use of the Department.

As illustrative of the measures resorted to to make the transition between the old and the new order of things as smooth as possible, parts of two circulars are quoted. The first reads:

The Government of the Confederate States will not interfere with any existing contracts entered into between the Government of the United States and the present contractors, until it assumes the entire control of its postal affairs. This course is rendered necessary by the utter impracticability of mixing the employees of the two Governments in the same service.

The question as to whether the Government of the Confederate States will assume any liability to present contractors, before it assumes the control of our postal affairs, involves the idea of liability on the part of the Government for the obligations of the United States before the Department shall be organized and ready to enter into new contracts. I am authorized to continue the existing contracts provisionally, by proclamation, until new contracts can be entered into.

The second circular dealt with other matters. It reads in part as follows:

All postmasters and other employees of the postal service are directed to continue the performance of their duties as such, and render all accounts and pay all moneys to the order of the Government of the United States, as they have heretofore done, until the Government of the Confederate States shall be prepared to assume control of its postal affairs.

The Congress of the Confederate States has, by act approved March 15, 1861, provided that the Postmaster-General shall have power to issue circular instructions to the several postmasters and other officers, in order to enforce the rendition of proper accounts and payment of moneys collected by them for account of the United States, until the Postmaster-General shall have issued his proclamation announcing that the former service is discontinued and is replaced by the new service organized under the authority of this Government.

Another paragraph in this proclamation I think may be quoted, as it shows another phase of the situation:

We must regard the carrying of our mails at this time by that Government as a great public necessity to the people of both Governments, resulting from their past intimate political, commercial, and social relations, and alike important to the preservation of the present interests of the people of both countries; and while that Government, by its action, consults such considerations, our Government and its people should act with the same high regard for great public interests. Such a course on our part, springing from such motives, will preserve the character of our people without impairing the dignity of our Government, with far less injury to the people of both than would necessarily follow from precipitate action on the part of either.

In the body of my first official report, all postmasters of the Confederacy are directed to perform their duties, render their accounts and pay over all moneys to the Government of the United States which might come into their hands as postmasters, until this Department should assume the entire control of the service. In that document also occurs the following:

It was hoped that this course would have beneficial effects, by removing all doubts as to the duty, for the time being, of those engaged in the postal service, and by showing to the Government at Washington that so long as it continued to hold itself liable for the mail service in the Confederate States,

it should receive all the revenues derived from that service. It was supposed, too, that it was greatly to the interests of that country, as well as to the interests of our own, to avoid a sudden suspension of the postal communication between the people of the two countries, and to avoid being brought at once into practical non-intercourse, which it was supposed would occur if this Department had been required to assume control of the service before its organization, and before any time had been given to pass the mail across the frontier. And when that policy was determined on, it was not known that active hostilities would occur, but it was then supposed to be still possible that our separation from the United States might be peaceably effected, and that all questions relating to the public property and to pecuniary liability between the two countries might be settled by them on terms of equality.

This may sound strange now, but there was then some reason and some hope for this result, not less in the North than in the South, as I have before stated.

My second official report, dated November 27, 1861, contains the following account, which is self-explanatory:

Under the provisions of the first section of the act of Congress of May 9th, 1861, "To amend an act vesting certain powers in the Postmaster-General, approved March 15, 1861," the requisite authority was given to him to issue his proclamation, fixing the date on which he would assume control of the postal service. Pursuant to that authority, the following proclamation was issued on the 13th of May, fixing the first day of June for the commencement of the service:

"Whereas, by the provision of an act, approved March 15, 1861, and amended by the first section of an act approved May 9, 1861, the Postmaster-General is authorized, on and after a day named by him for that purpose, to take entire charge and direction of the postal service of the Confederate States; and all conveyance of mails within their limits, from and after such day, except by the authority of the Postmaster-General, is hereby prohibited:

"Now, therefore, I, John H. Reagan, Postmaster-General of the Confederate States of America, do issue this proclamation, notifying all postmasters, contractors and special route

agents, in the service of the Postoffice Department, and engaged in the transmission and delivery of mails, or otherwise in any manner connected with the service, within the limits of the Confederate States of America, that on and after the first day of June, next, I shall assume the entire control and direction of the postal service therein. And I hereby direct all postmasters, route agents and special agents, within these States, and acting under the authority and direction of the Postmaster-General of the United States, to continue in the discharge of their respective duties, under the authority vested in me by the Congress of the Confederate States, in strict conformity with such existing laws and regulations as are not inconsistent with the laws and Constitution of the Confederate States of America, and such further instructions as may hereafter be issued by my direction. And the said postmasters, route agents and special agents are also required to forward to this Department, without delay, their names with the names of the offices of which they are postmasters (giving the State and county), to be directed to the chief of appointment bureau, in order that the new commissions may be issued under the authority of this Government. And all postmasters are required to render to the Postoffice Department at Washington, D. C., their final accounts and vouchers for postal receipts and expenditures up to the 31st of this month, taking care to forward with said accounts all postage stamps and stamped envelopes remaining on hand, belonging to the Postoffice Department of the United States, in order that they may receive the proper credits therefor, in the adjustments of their accounts; and they are further required to keep in their possession, to meet the orders of the Postmaster-General of the United States, for the payment of mail service within the Confederate States, all revenue which shall have accrued from the postal service to the said first day of June, next.

"All contractors, mail messengers and special contractors for carrying the mails within the Confederate States, under the existing contracts with the Government of the United States, are hereby authorized to continue to perform such service under my direction, from and after the day last named above, subject to such changes and modifications as may be found necessary, under the powers vested in the Postmaster-General by the terms of said contracts and the provisions of the second section of an act approved May 9, 1861, conformable thereto. And

said contractors and special contractors and mail messengers are required to forward, without delay, the number of their route or routes and the nature of the service thereon, the schedules of arrivals and departures, the names of the offices supplied and the amount of the annual compensation for present services, together with their address, directed to the chief of the contract bureau.

"Until a postal treaty shall be made with the Government of the United States for the exchange of mails between that Government and the Government of the Confederacy, postmasters will not be authorized to collect United States postage on mail matter sent to or received from those States, and until postage stamps and stamped envelopes are procured for the payment of postage within the Confederate States, all postage must be paid in money, under the provisions of the first section of the act of March 1st, 1861."

The requirement was made that postmasters, acting under the authority of the United States and before the Postmaster-General of the Confederacy took the control of the postal service, should render their accounts to the United States, and pay to that Government all moneys up to the 1st of June, 1861, and should return all postage stamps, stamped envelopes, and other property pertaining to the postal service, except mail bags and locks and keys. This measure was necessary, if any adjustment of accounts was to follow the termination of hostilities and the coming peace, and was also necessary in order that there should be no time when they were not responsible to one Government or the other, and also because if they had not been held responsible in this way, the temptation to embezzle would have been offered and might have led to serious consequences.

The Hon. Montgomery Blair, Postmaster-General of the United States, issued his proclamation suspending the postal services in the States then composing the Confederate Government, to take effect on the first day of June, the day on which the service was taken up by the Confederate authorities. Whether this was by accident or design, I am not

informed, but I think it was most probably the result of a purpose to meet the equitable design mentioned in my proclamation, and in order to avoid a clash in the service and to maintain the responsibility and enforce the obligations of those connected with the postal service.

I have thus given a partial view of the organization of the Post Office Department of the Confederacy, and will now give some facts in relation to its operation.

The provisional Constitution of the Confederacy required the Post Office Department to be self-sustaining after the 1st of March, 1863. The expenditures in connection with the mail service by the Government of the United States, for the year ending June 30, 1860, in the States then under the control of the Confederacy, amounted to $2,879,530.79, and the receipts into the Treasury from the same States for that year amounted to but $938,105.34, showing a deficiency of $1,941,425.45. With these figures before me, I could see but little hope of meeting such a deficiency, or of coming within the requirement of the Constitution above mentioned. The cost of the railway mail service for that year, in the same States, was $635,901, being nearly equal to the whole amount of receipts into the Treasury. As one means of overcoming this deficiency, I issued a circular on the 26th of April, 1861, and had copies of it sent to the principal officers of all the railroad companies in the Southern States, calling attention to the requirements of the Constitution, and to the amount of the expenditures on account of the postal service in the previous year, and the receipts into the Treasury for the same year, and also to the cost of the railway mail service, and requested them to meet me in the city of Montgomery on an appointed day, "for the purpose of considering the means of reducing the cost of the railroad service, and with the view of having some general equitable understanding with them." This call was responded to by all the railroad companies, with one or two exceptions. The mail pay they were then receiving was, for first-class railroads,

$300 per mile, with twenty-five per cent to be added for night service; second-class railroads, $200 per mile; third-class roads, $100 per mile, with twenty per cent. more in each case for night service. This conference resulted in the railroad companies patriotically agreeing to reduce the mail pay one-half, and to take the bonds of the Confederacy in payment, but with the stipulation that they were not to be bound by these terms after the war ended. The rates of postage on letters, packages, and newspapers were raised; the lowest rate of letter postage was five cents for one-half ounce. Unnecessary mail routes were discontinued; the number of trips on some routes were reduced; the weight of the mails was lessened in consequence of the abolition of the franking privilege; long routes were shortened so as to induce competition for carrying of mails; duplicate routes were discontinued, and in many cases cross routes were found unnecessary. By these and many other means, the cost of service was greatly reduced without seriously impairing its usefulness.

I have before me a full set of my official reports. These reports were taken from me when I was made a prisoner of war, along with President Davis and others, on the 10th of May, 1865. I am indebted to the kindness of Gen. Marcus J. Wright, and to the courtesy of the Postmaster-General of the United States for their recent return to me. These reports contain much valuable statistical information, and data on subjects connected with the administration of that Department which might interest the intelligent reader. However, I shall not make this chapter longer by calling attention to the estimates of receipts and expenditures of the Department from year to year, but I will state generally, that while these expenditures and receipts were increased as a number of States were added to the Confederacy, these reports show that this service was from the start made self-sustaining, and that each year from 1861 to 1865 there was annually a net increase of receipts over expenditures.

A noteworthy fact in this connection is that the number of officers and clerks in this service was not as great by one-half as for a like amount of service in the United States Post Office Department. It should also be observed that we did not have First, Second, and Third Assistant Postmaster-Generals as in the United States. Our officers corresponding to these were the Chief of the Contract Bureau, the Chief of the Finance Bureau, and the Chief of the Bureau of Appointments.

I shall not forego the opportunity—and I trust that my motives will not be misunderstood—to observe that there is much in these reports to suggest economy in the Post Office Department of the United States; and I dare say, from recent divulgences, that this is greatly needed. I am informed that a thorough overhauling and revision of mail routes has been made but twice in the United States, once by Dr. Franklin, and once by Postmaster-General McLean. It would be a considerable undertaking, but if gone through with carefully and efficiently it would no doubt reduce the expenditures of the Post Office Department millions of dollars annually.

CHAPTER XI

The Struggle for Richmond

On the 21st of May, 1861, the Provisional Congress at Montgomery adopted a resolution to adjourn on the next Tuesday, to meet again July 20 at Richmond, Virginia. And the President was authorized to have the Executive Departments with their archives removed in the mean time to the new seat of government. I thereupon directed the heads of the bureaus of the Post Office Department to have its offices and archives removed to Richmond; and I returned to Texas to make the necessary arrangements for absence from my home, and to take with me my family to the new capital of the Confederacy, which place we reached the latter part of June. Henceforth, Richmond was to be the heart of the Confederacy, and her inhabitants were to give proof that never were braver, nobler souls engaged in Titanic struggle.

The echoes of Fort Sumter had wakened the dogs of war, and throughout the North rang the cry, "On to Richmond"; "Down with the traitors." We on our part responded as best we might, and were nothing fearful when the grand army of General McDowell swept across the fields of Virginia. The tale of Bull Run was briefly told, and the Confederacy was mightily cheered by the overwhelming victory. But that the war was ended, not one of the official circle imagined. Indeed, it was not long until the Army of the Potomac under Gen. George B. McClellan numbered 168,000 men, while opposed to him Gen. Joseph E. Johnston had but 41,000 effectives. But thanks to dilatoriness, there was no active campaign during the fall and winter, and we, by great

exertions, were enabled to increase our strength by the spring of 1862, when the Federals once more made ready to advance on Richmond, so that at the battle of Seven Pines our army numbered approximately 70,000, while the Federals had but 100,000.

At first we were in great doubt as to which line of advance McClellan would adopt, and toward the end of February General Johnston retired from his advanced post at Occoquan and made ready for any emergency. When the Union army took the field, it was soon made clear that the peninsula between the York and James rivers was the chosen route.

It was a source of much satisfaction to us that a small force of 12,000 of our troops under General Magruder at Yorktown brought to bay for a month the imposing Army of the Potomac. Slowly, however, our troops fell back and the Federals advanced, until it became a concern of the Government as to where the gage of battle would be accepted. When General Johnston reached the vicinity of the Chickahominy, on the high ground bordering the river swamp, he formed his line to give battle, and sent a dispatch to President Davis advising him of the fact. The Cabinet was in session when the dispatch was received; and the members suggested to the President the manifest danger of General Johnston's offering battle to a superior force with his rear on such a stream as that of the Chickahominy, where the swamp was wide with no roads or bridges sufficient to enable him to retreat if he should be defeated. A further question was raised as to whether the President should not call General Johnston's attention to this. Mr. Davis declined to do so, saying that when we entrusted a command to a general, we must expect him, with all the facts before him, to know what is best to be done; that it would not be safe to undertake to control military operations by advice from the capital. This I know to have been his policy throughout the war, adverse critics to the contrary notwithstanding.

The next morning, instead of receiving the report of a battle, the President received a dispatch from General Johnston saying that he was retiring across the Chickahominy, and would contest the crossing of that stream with McClellan. There was in the Cabinet an expression of relief when his dispatch was read. The Chickahominy was crossed some twenty-five miles from Richmond.

The day after this crossing was made, I rode down to our lines and camped that night with Hood's brigade, and the next day marched with it to where we went into camp, a little below Rockets, a suburb of Richmond. About the hour of noon, as I was returning to my residence, in passing the Executive office, I saw the President coming out. He hailed me and requested that when I got my dinner I should come and go with him down to the Chickahominy to see General Johnston. As I rode off I said to him that he would not have to go to the Chickahominy to see the General. From what occurred afterward it was apparent that he had not caught my words.

After dinner we rode out through Rockets, and on reaching the high ground, the President asked me what those tents were, indicating an encampment a half mile or so from us. I told him they were the tents of Hood's brigade.

"No!" he exclaimed; "Hood's brigade is down on the Chickahominy."

I replied that I had camped with it the night before, and had come there with it. Riding on a little farther I remarked, "If you want to see General Johnston, he is in the brick house off to our right."

Again he objected, not seeming to be able to realize the situation: "No, General Johnston is down on the Chickahominy."

To which I answered that I had seen him and his staff go to that house that day. The look of surprise which swept over his face showed a trace of pain.

Mr. Davis and one of his staff officers, I believe it was Colonel Ives, turned off to the General's headquarters; and I rode on to Hood's camp. The President never told me what occurred between him and General Johnston; but his staff officer did. He said the President inquired of the General why he was in the suburbs of Richmond, and had not contested the crossing of the Chickahominy with General McClellan. General Johnston's answer was that the army was out of provisions, that the ground near the Chickahominy was low and marshy and the water bad; and that he had brought the army near Richmond where the ground was dry, the water good, and to be that much nearer needed supplies. The President inquired if Richmond was to be given up without a battle; and not getting a satisfactory answer as to whether it would or not, said to General Johnston that if he was not going to give battle, he would appoint some one to the command who would. This will throw light on what subsequently occurred between them.

The President's anxiety was known to the Cabinet. He invited Gen. Robert E. Lee, who was then acting in the capacity of military adviser or consulting-general* to the President, to meet with the Cabinet, and when we were convened Mr. Davis announced his solicitude and requested General Lee's opinion as to the next best line of defense, if Richmond should be abandoned. General Lee, after discussing the question as a military engineer, stated that the next best line of defense would be at Staten River. "But," he added, "Richmond must not be given up—it shall not be given up." As he spoke the tears ran down his cheeks. I have seen him on many occasions and at times when the very fate of the Confederacy hung in the balance; but I never saw him show equally deep emotion.

*It ought to be noted that General Lee had just returned to Richmond from his unsuccessful West Virginia campaign. For his failure there, he had been subjected not only to criticism but to abuse. Mr. Davis's confidence in him had not been shaken.

On the 31st of May, 1862, battle was joined between the armies of McClellan and Johnston—known as Seven Pines or Fair Oaks. On the morning of that day I rode with the President to the front, and found General Lee with General Magruder at the headquarters of the latter. I left them and rode on with General Hatton until we overtook his brigade, and, leaving the General, passed on to where General G. W. Smith was putting the Confederate brigades into battle as they came up. I had promised the men of Hood's brigade that if they got into a battle near Richmond, I would try to be with them. In going to the front, I met General Randolph, the Secretary of War, who, on learning my purpose to join the Texas men, advised, "You had better go back with me; Yankee bullets have no respect for Postmaster-Generals."

On reaching General Smith I inquired of him where I would find Hood's brigade. He said he could not tell me, but that if I would take the right hand road of the three that branched off there, and keep a lookout to the right I might possibly find it in half a mile or so. I rode on to the field at Fair Oaks House, and saw some men across the railroad at the far side of the field. It was cloudy, and that together with the smoke on the field kept me from knowing who they were until I got near them. When I reached them they raised a shout, and that seemed to have invited the opening of the enemy's artillery on them. The firing was quite rapid. About one-half of the brigade was there, but on account of the boggy condition of the ground, the field officers and the remainder of the brigade had not been able to reach that place, and there were no officers present above the rank of captain. They requested me to lead them in a charge. In the absence of all information and authority as to what should be done, I thought it best not to risk such a step. The men lay down, and were being furiously shelled, when I saw some persons ride up to the Fair Oaks House, nearly midway between where we were and the Federal batteries.

Through the smoke I thought it to be General Johnston and his staff, and galloped to where they were. General Johnston was in the house. I did not dismount and did not see him, but the Hon. Muscoe Garnett, with whom I had served four years in Congress, and Major J. D. Banks, two members of his staff, were in the yard, and I somewhat emphatically expressed my surprise that the commander of an army in a great battle should put himself in a position where he could not live long, saying that his example would encourage no one, as the officers and men could not know where he was. This statement was taken to him, and I was advised by the officer who took it that his only answer was that this was no time to look for safe places.

At this time General Hatton came up within a short distance of us and I rode to where he was. He ordered his men to front, load, and forward by the front. As he rode off at the head of his brigade he turned to me and said he hoped we might meet again. These were probably his last words, as he had gone but a short distance when he was killed by a shot. I there witnessed the advance of his and of Pettigrew's brigades on the Federal line of earthworks, bristling with cannon. While this was their first battle they showed the steadiness of regulars, and marched into the jaws of death.

I passed across the field into the woods beyond it, and there found President Davis and Generals Lee and Magruder under a fire of small arms. I protested against the President's unnecessary exposure and said to them that I had just left General Johnston where he was in great danger, exposed as he was to the enemy's fire. A few minutes later a courier came from our left and announced that General Hampton had been wounded; and at nearly the same time another announced that General Johnston had been killed; and after a short interval he was brought past us on a stretcher, apparently in a lifeless condition. President Davis at once gave General Lee verbal direction to take command of the army

and to issue the necessary orders. The archives of the War Department show that he was appointed to the command three days later, but he assumed control of the field during the battle, as indicated. Gen. G. W. Smith was next in rank to General Johnston, and the records indicate that he was in command of the army three days, which came from the delay in issuing the formal order of appointment to General Lee. General Smith, because of Mr. Davis's failure to put him in command, was aggrieved and became an active enemy of the President afterward. Mr. Davis had great respect for General Smith, he having been proposed for Secretary of War, but thought General Lee the proper man to take command of the army.

In this battle we lost in killed, wounded and missing, 6,084 officers and men; the Federal loss was stated to be 4,857, our greater loss resulting from our having to attack their earthworks. The Confederate loss of officers was so great, owing to their leading their men in the charges, that General Lee issued an order to the effect that thereafter they should occupy their prescribed positions in battle. But I may state that this order was often violated, many of our most gallant leaders being killed at the head of their commands.

During the first day's fighting, as I have stated, I was on the battlefield and under the fire of both artillery and small arms. I reached the field and rode over it with the President, after the main part of the fighting of the second day was over, though we witnessed the shelling by the Federals of some cars used as temporary hospitals for our wounded, in spite of the fact that yellow flags were flying over them.

Among the sights I had in early years wished to see was the field of a great battle. In riding over the ground that day a scene was presented, especially on and near the Williamsburg road, such as I trust I shall never have to witness again. In that part of the field the Confederates had stormed and captured lines of very strong earthworks, and held them. The ground over which the armies fought was very wet and

soft, and as we rode along our horses much of the time were bogged up to their knees; and it was covered with the dead and wounded men of both armies, wrecked and overturned gun carriages, exploded caissons, and abandoned ambulances. Great numbers of small arms and accouterments were scattered among the dead and wounded soldiers. The sight was so ghastly and sickening as to cause me to wish that there might be no more wars.

After an indecisive battle. McClellan drew the corps he had advanced beyond the Chickahominy back across that stream. Nearly a month elapsed before the opposing armies were again in conflict. Once more the Confederates were the aggressors, and June 26th began what is known as the "seven days' battles," which ended at Malvern Hill, where the Federals, under the protection of their gunboats on the James River, were glad enough to find refuge—and for the second time the Army of the Potomac had failed to reach Richmond.

In the course of the seven days' fighting, at the battle of Gaines' Mill, there occurred a struggle which has few parallels for heroic courage and valor in all the annals of war. Because of the part taken in it by Texans, I shall relate some of the circumstances.

A part of the Federal forces occupied a very strong position on a hill on the east side of Gaines' Mill Creek, with three lines of infantry; one was stationed about a third of the distance from the foot of the hill, the second about half way up, and the third between that one and the top of the hill, which was probably 300 or 400 feet high. Their lines were protected by fallen trees, with a swamp and abattis one or two hundred yards wide in their front. The crown of the hill was occupied by the field batteries of the enemy. In order to attack this position the Confederate soldiers had to advance through a gradually descending open field. Two assaults had been repulsed, when, in the general movement of the forces, Hood's brigade was brought to its front. General Lee inquired of him whether he thought he could take it. Hood's answer was in the affirmative.

It so happened that the First Regiment of Texas infantry, commanded by Col. John Marshall, was launched against the Federal stronghold. Colonel Marshall was soon killed; the lieutenant-colonel was very seriously and the major mortally wounded before the advance reached the creek, and many others of the regiment were killed or wounded before they got through the abattis. This regiment, with no officer above the grade of captain, drove the three lines of infantry from their defenses, and captured the artillery which crowned the hill, and which had been pouring a deadly fire into the charging columns. A few hundred yards farther on the Texans saw two field batteries across a depression of the field. Before they had gone far, however, they were assailed by a brigade of Federal cavalry under General McCook. This was put to flight and then the Texans again rushed forward and captured the batteries.

The Fifth Texas Regiment, commanded by Col. Jerome B. Robertson, had also broken through the Federal lines and come in view of what was left of the First Regiment. Robertson's statement made afterward to me was that when he saw General McCook's cavalry moving rapidly to the attack of the First Texas Regiment, and saw the small remainder of that regiment, it made his heart ache, as it seemed out of the question for them successfully to resist such a force. But he said the men quickly aligned and stolidly awaited the attack, and that when the brigade got within range he never saw saddles emptied so fast.

The cavalry recoiled, defeated, and, as soon as this was accomplished, and the field batteries taken, the Texans started for a Federal siege battery, nearly a mile farther on. Gen. T. J. Chambers, who had followed them, as a looker-on, hastened after them and got them to stop, saying that the enemy was then in their rear, and that if they went forward they would certainly be captured. Colonel Robertson's regiment then joined the remainder of Marshall's, and on their return they found that the gap they had made in passing

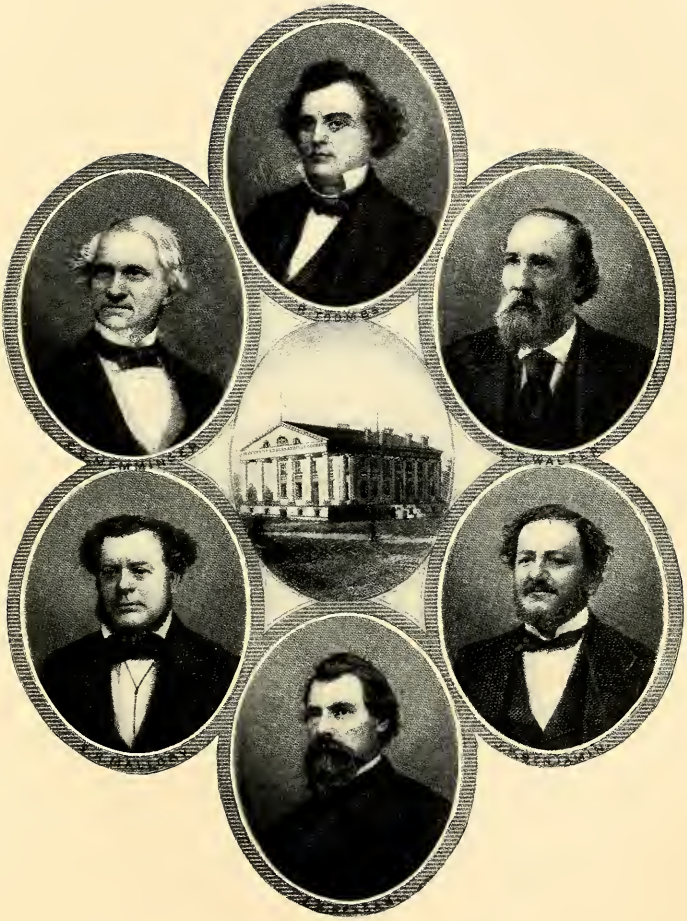
through the Federal line had been occupied by a New Jersey regiment, which on demand surrendered. The beautiful silk banner of this regiment was sent as a trophy to Austin, Texas; and was after the war returned to New Jersey by the military governor, Hamilton.

The First Texas Regiment went into the battle with more than eight hundred men; but came out of it, after this brilliant exploit, with a roll call of a little over two hundred. After that on different occasions General Lee urged me to aid him in getting a division of Texans for his command, remarking that with such a force he would engage to break any line of battle on earth in an open field.

CHAPTER XII

Cabinet and Other Questions

At the first meeting of the Cabinet after my appointment, the Secretary of War, the Hon. L. P. Walker, reported that the Confederate States could arm and equip 10,000 men; and the question was, what disposition should be made of them? The matter was submitted to the Cabinet by the President, with the request for expressions of opinion. After the other members had spoken I said that I was unable to concur with any of the views which had been presented; that in my opinion 5,000 of the troops should be placed near Louisville and that the other 5,000 should be stationed near Covington, Kentucky. To this suggestion reply was made that we had gone to war to vindicate States' Rights, and that Kentucky had not given her consent for us to send troops into that State. To this I rejoined that if we were in peace, deliberating as a convention or congress, I would agree to that view, but as we were discussing war measures, I would put the soldiers where they would best answer the necessities of war. Furthermore, I urged that Kentucky in the recent election had voted by 75,000 majority against the policy of the Republican party, and that the adoption of my views would enable us to secure great bodies of soldiers for our cause in the States of Tennessee and Kentucky, and would obtain for us the cooperation of those commonwealths. But the Cabinet, with the concurrence of the President, adhered to the opinion that we should not send soldiers into Kentucky without the consent of that State.



The First Confederate Cabinet

It was not a pleasant situation to find myself at the first meeting of the Cabinet antagonizing the views of its members and of the President. But my opinion then was, and still is, that the course I recommended would have been the best for our cause; and this view was subsequently strengthened by the policy pursued by the Federal Government of inducing Kentucky to favor neutrality, and at the same time of winning over the people of Kentucky by offering commissions in the army, and by liberal expenditures in the purchase of army supplies.

Another matter of interest came up shortly in the Cabinet—the question as to what consideration should be given the partisan political divisions which had existed in the South. Upon canvassing the subject it was resolved that the contest on which we were entering concerned the rights and interests of all the people, Democrats and Whigs alike, and that former partisan lines should not be recognized in appointments and promotions to office; and that the only tests as to fitness should be: Is the person true to the Confederate cause and honest and qualified for the duties in question? The wisdom of this policy had a striking illustration during the latter years of the war.

After the battle of Gettysburg and the fall of Vicksburg, there was more or less despondency among public men. And as other misfortunes occurred this increased, and with it the malcontents in Congress became more outspoken in their opposition to the President, adding to his embarrassment. The Hon. W. A. Graham of North Carolina, and Hon. Gustavus A. Henry of Tennessee, both in the Confederate Senate, had before the war been among the most prominent Whigs in the United States, and consequently in antagonism with the Democratic views of President Davis. As the troubles of the Confederacy multiplied and men became more despondent, these two Senators, when others weakened his hands by inaction or by opposition, exhibited a Roman courage and devotion, and heartily sustained him in all his efforts to serve the interests of the South.

In 1862 there was a secret and confidential conference of the general officers of the army commanded by Gen. Braxton Bragg, at Chattanooga, Tennessee, in which the question was discussed as to the propriety of enlisting negroes in the military service of the Confederacy. It was brought out that Gen. John C. Breckinridge, General Cleburne, and General Hindman favored such a policy, all the other officers present opposing it. General Bragg sent a full copy of the proceedings of that meeting to President Davis, who laid it before the Cabinet in like secrecy and confidence.

I believed in the necessity of arming the negroes, and supported that belief by referring to the charts in use by the Federal armies, which distinguished by dark shading the parts of the Confederacy where the greater numbers of negroes were found, and by pointing out that they were making their campaigns largely through the negro districts and were enlisting the negroes in their service. I took the position that I would prefer to have them in our service rather than fight them in the ranks of our enemies. But no other member of the Cabinet agreed with this view; and so the subject rested until the latter years of the war, when it again became a serious question for discussion.

In the message of President Davis to the Confederate Congress, dated November 7, 1864, he recommended the qualified use of slaves in our army. General Lee, writing on this subject, favored the enlistment of negroes in the military service, and the manumission of all such, giving as a reason for their value as soldiers, their capacity for physical endurance, and their accustomed obedience to orders. (Napoleon Bonaparte said that these were the important qualities for soldiers.) General Lee invited committees of the Virginia legislature and of Congress to secret conferences with him on this subject. Both the legislature and Congress hesitated; but at last, when too late, Congress agreed to have 40,000 enlisted as teamsters. But even this measure was not carried into effect.

While on this subject I may mention that one gentleman, from Mississippi, whose name I cannot recall, proposed, if the Government would receive them, to put a battalion of his own negroes in the field and command them himself. And another from North Carolina made a similar proposition. These offers were not accepted.

The question of enlisting the negroes in the military service was a very serious one. To have made soldiers of them would have involved their liberation, and the effect on the remainder of their race of freeing them had to be considered. The question of the sacrifice of their property value had also to be weighed, and whether the sacrifice was to be borne by their owners, or whether they should in some other way and to some extent be relieved of that burden. Besides, the fear which then existed of the effect of freeing the negroes was, of course, in the minds of all. The considerations which will no doubt occur to the reader will show why there was hesitation on this subject. While I then realized these difficulties, I believed that the employment of them as soldiers was the only thing which could save us from subjugation. But there was a decided opinion among the members of the Congress that the people would not submit to such a policy.

After the lapse of forty years the new generation may not understand why there should have been such serious alarm at the thought of freeing the negroes. This is better understood when we remember the violent and fanatical pamphlets and books which were issued by the more rabid Abolitionists, appealing to force, and urging the use of fire and sword to secure their freedom. If I may be pardoned for referring to it, such a book was written by H. R. Helper of North Carolina, which was endorsed and recommended to the public by sixty-two Republican members of Congress and by a great many of the leading public men of the North. Such incendiary appeals were not without effect—witness the armed invasion of the State of Virginia by the notorious John Brown and his associates.

When I determined to leave Washington in January, 1861, I had resolved that if war should occur, which was then thought probable, that I would enter the military service, and so secured a pretty fair library of books on military subjects. I hesitated to accept the place as one of the Texas members of the Provisional Congress of the Confederacy, still having in mind entering the Army. But events marched along at a rapid pace and after I had served as Postmaster-General about a year, I tendered my resignation to the President, giving as my reason for resigning that I was at an age which would enable me to perform military duty and that I desired to go into the Army. The matter was brought to the attention of the Cabinet, and the members of it joined with Mr. Davis in requesting me to remain in the Post Office Department, saying among other things that I had the Department under efficient control, and that my resignation might be construed as dissatisfaction with the Administration, which was far from my wish. And I withdrew my resignation.

In my opinion the most serious matter ever determined by the Cabinet was the plan of the campaign of 1863—the fateful year of the war between the States. As early as November, 1862, the campaign against Vicksburg was begun. The disposition of General Grant to get below Vicksburg was manifested as early as February, 1863. On the 20th of April the movement of the enemy commenced through the country to the west of the Mississippi River; and toward the end of the month they began ferrying from the Louisiana to the Mississippi side and the purpose could no longer be in doubt.

Early in the year 1863 the question of the invasion by our army of the country north of the Potomac was being discussed by the Cabinet and General Lee. One of the considerations favoring such a policy was that supplies for our army were much reduced—and these were abundant in the territory of the enemy. Another consideration was that a

successful campaign in the territory adjacent to Washington, Baltimore, and Philadelphia might cause the withdrawal of the troops then menacing Vicksburg and Port Hudson.

Our means of communication with western Louisiana, Arkansas, and Texas largely depended on our command of the Mississippi at those cities. It was apparent that their fall meant the bisecting of the Confederacy by the line of the Mississippi, in which event we should be deprived, in a large measure, of the men and supplies west of that river. As the lines came to be more and more tightly drawn, appeals from the civil and military authorities poured in for reinforcements for the army of General Pemberton, who commanded before Vicksburg.

The President received a number of letters and telegrams from Governor Peters of Mississippi, and others, advising him to dispatch reinforcements from General Lee's army to the defense of Vicksburg. These he read to the Cabinet and requested the members to meet him on the next day to consider the whole question of the campaign of 1863. We assembled early—it was Saturday—and remained in session in the anxious discussion of that campaign until after nightfall.

I shall never forget that scene. The President and members of the Cabinet fully realized the grave character of the question to be considered. General Lee did not meet with us on this occasion, though he often did so in his capacity as Military Adviser to the President, and latterly as general in the field. He was not a man of many words and when he spoke it was in the fulness of conviction. He had expressed his views on the subject of a campaign north of the Potomac. Every possible contingency was pointed out in our discussion, and it early became apparent to me that I stood almost alone. I urged that we should let it be given out that we intended to send the Army of Virginia north of the Potomac, and that we should meantime strengthen the defenses of Richmond, collect supplies for a six months' siege, and at

the proper time dispatch 25,000 or 30,000 of General Lee's troops to Vicksburg. It was observed that this would involve the necessity of abandoning the Shenandoah Valley. I admitted that we might have to do so temporarily, but added that there would remain with General Lee some 50,000 veteran and victorious troops for the protection of Richmond. I further contended that by sending a part of General Lee's army, and a part of the Army of Tennessee confronting General Buell, and by directing General Johnston to collect and forward all the men and supplies he could from the Gulf States, General Grant might be crushed. My plan involved waiting until he got well on the east side of the Mississippi and then to fall on him with such a force as to prevent his recrossing that stream, then to destroy his army. I argued, furthermore, that we could then send this victorious army north by way of Corinth, and either crush or drive Buell's army north of the Ohio River. I also presented the view that the prospects for the recognition of our independence by Great Britain and France would be much strengthened by the defeat of those two armies, and that Federal finances were then in a precarious condition, and might by this be made so much worse as to give increased strength to those in the Northern States who were opposed to the war; and further effusion of blood be avoided.

It was urged in opposition to my view that the best way to protect Vicksburg was to put Washington and Baltimore in danger and thus cause the withdrawal of troops from Grant's army for their defense. To this I demurred. General Grant, I said, had reached a position which would prevent dealing with him in that way, and that what he was doing showed that he intended Vicksburg should fall if his army was not destroyed.

In the end it was determined that General Lee should cross the Potomac and put himself in a position to threaten Washington, Baltimore, and Philadelphia, and that General Johnston should get together such men and supplies as he could in the Gulf States and go to the relief of Pemberton.

I thought then, and think now, that if the plan I proposed had been adopted, Vicksburg and Port Hudson would not have fallen, and we would not have had to mourn the failure at Gettysburg. A short letter I wrote to the President requesting the reconvening of the Cabinet to consider this subject was taken from me, along with my other papers, when I was made a prisoner by the Federal soldiers, and I was told long afterward by Secretary Stanton that it was in the archives of the War Department at Washington. All my efforts, however, have failed to recover it.

It may be that I, not being a military man, though I have been something of a reader of the history of campaigns, should speak with greater deference upon a subject which was considered by great military men like President Davis and General Lee; but if these lines shall ever be read by others, I can only say that they are written in accordance with the views I then entertained, and that I shall be content if they ever receive the verdict of careful military critics familiar with the times and circumstances.

On reaching Washington, on my return from prison at Fort Warren, in the fall of 1865, I called on Mr. Stanton, Secretary of War. In our conversation he stated that he and some others of the Cabinet, and President Lincoln, expected the Confederate Government to adopt such a plan as I had suggested for the relief of Vicksburg and Port Hudson and that they had held General Grant back for some weeks. "And," he added, "if your Government had adopted the policy you recommended the war would have been very much prolonged."

The Confederacy sought only the good-will and neutrality of nations in the contest for independence. It did not press for recognition as an independent State; would have been content if the full rights of a belligerent could have been secured—the right to purchase supplies and vessels in a manner authorized by international law, etc. An effort was made to have ships built in Great Britain, but not to be sup-

plied with armaments in the ports of that country; and several, notably the *Alabama,* were thus obtained. This privilege, however, was finally withdrawn. While Great Britain recognized the belligerency of the Confederacy, that Government was in almost all cases unfair to us in the exercise of the rights and duties of a neutral power. Russia was hostile; and France was uncertain.

In an interview with the Hon. John Slidell, the representative of the Confederate Government at Paris, the Emperor Napoleon asked the question of him as to why the Confederacy did not obtain ships and raise the blockade at the mouth of the Mississippi, and reoccupy New Orleans. Mr. Slidell answered that efforts had been made to secure the building of ships in England, and that this had been prohibited by that Government. The Emperor replied, "Why not build them in France?" Mr. Slidell observed that the Confederacy would be only too glad to do so. Thereupon, the Minister of Marine was sent for, and an understanding was reached that two ships might be built in French yards, but they were not to receive their armaments in French waters.

A contract for this purpose was made, and two ships were in course of construction, one of them being nearly ready to receive her armament, when a clerk in the office of the Minister of Marine stole the contract for their construction, and furnished it to Mr. Dayton, the United States Minister to France. Dayton took the contract to the Emperor, and inquired whether it was genuine. The Emperor admitted that it was, and, instead of standing by this contract, he repudiated it, and sent for the contractor, who did not know of the Emperor's connection with the matter, and threatened to have him shot if he did not sell the vessels to some other Government. When this was occurring, the Confederate authorities, believing the contract would be carried out, were already anticipating the appearance of these vessels at the mouth of the Mississippi. The surprise and disappointment in Richmond was very great, and President Davis wrote an

autograph letter to the Emperor, courteously diplomatic, but registering a protest against his not abiding by a fair contract, which had been made at his own suggestion. I have supposed that when the battle of Sedan changed the fortunes of the Emperor, he might have called to mind his want of good faith with the Confederacy.

During the war the operations of the Army were on so extensive a scale, and affected so closely the people, they quite obscured to the general public the character of the service rendered by the Navy. It will doubtless prove a surprise to many to learn that from first to last there was in the service of the Confederate Navy twenty-five ships, twenty-seven schooners, and forty-one barks. The Confederate cruisers captured or destroyed vessels belonging to the United States to the number of forty-nine ships, eighteen brigs, thirty-five barks, thirty-four schooners, one steamer, one pilot boat—133 in all.

Besides the Confederate vessels mentioned, Secretary Mallory had three great iron-clad vessels constructed, the *Virginia* at Norfolk; the *Manassas* and the *Louisiana* at New Orleans. The genius of Secretary Mallory and of the naval officers who were in the service of his Department, through the iron-clad ram *Virginia* or *Merrimac,* revolutionized the system of naval architecture of the world. This vessel was made on the hull of the frigate *Merrimac,* which had been sunk by the Union soldiers on their withdrawal from Norfolk. Secretary Mallory early took up the matter of an iron-clad, and in a communication to the naval committee, on the 8th of May, 1861, said:

> I regard the possession of an iron armored ship as a matter of the first necessity. Such a vessel at this time could traverse the entire coast of the United States, prevent all blockades and encounter, with fair prospects of success, their entire navy.

Up to this time there were only wooden ships in the navies of the world, and the first exploit of the *Virginia* proved the

soundness of his views. Only iron-clads could withstand her attacks; and the appearance of the *Monitor* alone saved the blockading squadron in Hampton Roads.

When the *Virginia* had been made ready for service, and moved out from Norfolk toward the bay, the United States vessels, the *Minnesota* with forty guns, the *Roanoke* with forty guns, the *St. Lawrence* with fifty guns, together with the gunboats *Dragon, Mystic,* and *Whitehall* lay at Fortress Monroe. The *Virginia* was accompanied by the steam tugs *Beaufort* and *Raleigh.* At Newport News, riding at anchor, were the United States vessels *Cumberland* with thirty guns, and the *Congress* with fifty guns. When the *Virginia* went into action she was reinforced by the *Patrick Henry* with twelve guns, the *Jamestown* with two guns, and the gunboat *Teaser* with one gun—a total of twenty-seven guns, against an armament of three hundred guns, of which one hundred could be brought into action at any one moment. At the outset the *Virginia* brought her ram into action, and struck the *Cumberland,* crushing through her sides and sinking her, carrying down all her officers and crew that were not killed. She also destroyed the *Congress* with her fifty guns, and participated in a good deal of fighting with other vessels; thus by the new naval engine of war winning a most remarkable victory.

The inquiry has been made why the *Virginia* did not go to Washington, Baltimore, or Philadelphia, as the Federals feared. The answer is that she was not seaworthy; and to have lightened her to enable her to make such a cruise, the hull would be so exposed as to endanger her safety.

The Confederate Government experienced much difficulty and delay in sending and receiving foreign mail on account of the blockade of her ports. Such mail matter was carried by the blockade-runners, and by other means through Cuba, Bermuda, Nassau, and sometimes through Canada and Mexico, arriving at its destination in this round-about way, if at all. After reaching port in some one of the above named

places in going out, the mails were generally transferred to vessels of neutral nations, mostly English and French; and on coming in, they were generally brought to some of those places by foreign vessels, and then transferred to blockade-runners.

The difficulties attending the operations of the postal service multiplied as hostile armies pierced farther and farther our lines. After the fall of Vicksburg and Port Hudson, communication between Richmond, the seat of government, and the country west of the Mississippi River became extremely uncertain. Congress was obliged, therefore, to provide a branch of the postal service and a branch of the Treasury Department for the region west of that river. Dr. James H. Starr, on my recommendation, was appointed chief of the postal division. He established his office at Marshall, Texas; and the Department at Richmond furnished him with the laws and circulars of instructions, and complete information as to all matters for his government, including all the necessary bound books, office forms, and clerical force needed for the carrying on of the postal service. Dr. Starr was one of the best business men I had known; he had been for three years Secretary of the Treasury for the Republic of Texas, and performed his duties in this new field to the entire satisfaction of the Department.

Chapters could be written on the expedients to which we were driven to get the mails back and forth across the Father of Waters, which was now patrolled throughout its length by the armed vessels of the enemy. The river was crossed in rowboats, usually under cover of night and at many points, and in this manner the letters of wives to husbands and of mothers to sons who were serving in the army, went forward to their destination; and in return came papers and letters from the front to the anxious ones who bore the brunt of sufferings at home, who lived lives of sacrifice that the cause for which they struggled might be furthered.

At the time of the organization of the Post Office Department, and for some months after, we had no postage stamps, and postage was required to be paid in coin. The coin so collected was deposited in the Confederate Treasury. In 1863, if I am correct as to the date, I had to send to Europe for stationery, for postage stamps and dies, a press, a perforating machine, and various things not obtainable in the Confederacy. The Department still had to its credit in the Treasury about $80,000 in coin, and I drew through the chief of the finance bureau on the Treasury for $50,000 to meet this expenditure, demanding coin because of the existing depreciation in the value of our paper money. After some delay I received a long opinion in writing from Lewis Cruger, Comptroller in the Treasury Department, advising me that the Post Office Department stood like any other creditor, and must accept currency, as the Treasury needed the coin. Under the law, when a statement of fact made the opinion of the Comptroller proper, he was authorized to give an opinion, but no case had been made which under the law required his opinion, and I so wrote him; and renewed my demand for the coin, with which Mr. Memminger refused to comply. At a Cabinet meeting I called the attention of the President to our disagreement, and requested him to settle it. He asked that the correspondence be submitted to him. I submitted copies of the correspondence, and I closed my letter to Mr. Davis with a few brief paragraphs, stating what I understood to be the law of the case; which, in substance, was that the Treasury must repay to the Post Office Department the same kind of money in which its deposits were made; and that if the Treasurer refused to do so, it was the duty of the Postmaster-General to report him to the President for removal from office.

Attorney-General Watts, to whom Mr. Davis referred the papers, in returning them to the President, said in his report that the brief paragraphs at the end of the letter of the Postmaster-General so aptly stated the law that he copied them in his opinion.

The Secretary of the Treasury again wrote to the Postmaster-General, proposing to renew the correspondence. I did not answer him, but wrote to the Treasurer, Edward C. Elmore, calling his attention to the provisions of the Revised Statutes, which on this subject was made our law, and to the opinion of Attorney-General Watts, saying to him that I hoped his action would render it unnecessary for me to report him to the President for removal from office. Mr. Elmore said he knew then what to do and paid over the $50,000 in coin.

.The action of the military for a time caused some embarrassment to the postal service, by the conscription of mail carriers for service in the Army, in which they had the concurrence of Mr. Seddon, the Secretary of War. After some correspondence between the two Departments this practice was abandoned. My contention was that the mail service was an important adjunct to every arm of the Government, and that to impair its usefulness meant material injury to the whole machinery of the State.

The Post Office Department was charged with the management and control of the telegraph system of the Confederacy; and I selected for the head of that branch of the service Dr. William H. Morris, who had been the general superintendent of the lines of telegraph in that part of the country which we controlled. He showed decided ability and efficiency in the management of that service, which was attended with serious difficulties on account of the expansion and contraction of our territory, caused by the movements of the armies of the two countries. My official reports show the extent and character of this work.

Having seen that the Emperor Napoleon had used a field telegraph at the battle of Solferino, by my direction Dr. Morris had the necessary battery and wire mounted on wheels for use in the field. The radius of its operations was about five miles. I forwarded it to General Lee; but he

found that on account of the broken character of the country and the extent of the forests he could not successfully utilize the apparatus.

There were a good many changes in the Cabinet of President Davis during the four years of the Confederacy. These came about for various reasons. Mr. Toombs, desiring to enter the Army, resigned the position of Secretary of State, and was appointed a brigadier-general by Mr. Davis. General Walker was an able lawyer, and earnestly devoted to the Confederate cause, but he undertook to do too much of the work of his Department, his health suffered, and he resigned. Mr. Benjamin was then transferred from the office of Attorney-General to that of Secretary of War, and the Hon. R. M. T. Hunter of Virginia was made Secretary of State. While Mr. Benjamin was a man of great ability, from some cause his appointment as Secretary of War proved unacceptable to the officers of the Army, and Mr. Hunter, having resigned his portfolio to accept a seat in the Confederate Senate, was succeeded in the State Department by Mr. Benjamin. General Randolph of Virginia was appointed Secretary of War. General Randolph was a capable man and an efficient Secretary of War, but, as I understood at the time, issued certain orders as to the disposition of the troops west of the Mississippi without consulting the President and not in conformity with his desire; and this led to his resignation. In November, 1862, Randolph resigned, and the vacancy was filled by the appointment of James A. Seddon of Virginia. In February, 1865, Seddon resigned, and Gen. John C. Breckinridge was appointed in his place. In the fall of 1864 Mr. Memminger resigned the office of Secretary of the Treasury, and the Hon. George A. Trenholm of South Carolina was appointed to that position. Mr. Memminger was a most excellent man, and had been the successful president of a bank, but there grew to be a feeling, probably without just cause, that the condition of the Confederate finances required a man of larger and broader views. The fact is,

no doubt, that no genius would have been able to give satisfaction as Secretary of the Treasury as we were then situated.

Matters connected with the appointment of Mr. Seddon, Secretary of War, caused Senator Wigfall of Texas, who had been an ardent supporter of the Administration, to become a violent opponent of the President, and to join with Governor Foote of Tennessee, and other malcontents, in giving him what trouble they could. These two and one or two Representatives from North Carolina and Governor Brown of Georgia, availing themselves of the popularity of Gen. Joseph E. Johnston, who had become unfriendly to the President, and also using the great influence of Vice-President Stephens,—who, after the fall of Vicksburg and the withdrawal of our army from Gettysburg, gave up hope of Confederate success,—greatly increased the embarrassment of the President in his struggle for the success of the Confederate cause. Governor Brown gave him more trouble than the Governor of any other State.

When General Randolph resigned the position of Secretary of War, the President, in speaking to the members of the Cabinet about the appointment of a successor, said that he was considering Mr. Seddon, Gen. Joseph E. Johnston and Gen. G. W. Smith in connection with that appointment, and preferred them in that order; but said to the Cabinet that he did not wish any statement made about it, as, if Mr. Seddon should decline the appointment, the others might refuse to accept it because it had not been offered them first. He made the tender of the appointment to Mr. Seddon. The evening after this, Wigfall called on him and discussed the matter of this appointment, and expressed his preference for the same men in the same order, but Mr. Davis did not tell him that he had already tendered the portfolio to Seddon.

The next day the President sent for me, and inquired of me what was the matter with Wigfall. I answered that I did not know of anything being wrong with him. He said that Wigfall was bitterly denouncing him in the Senate. When

I inquired if he did not know what it was about, he said that possibly he did; that the evening before, Senator Wigfall had talked with him about the appointment of a Secretary of War, but that he had not told him of his having offered the appointment to Seddon, and that the newspapers of that morning announced that Seddon had accepted. He had not told Wigfall about the matter because he did not then know whether Mr. Seddon would accept; and as he had charged the members of the Cabinet not to speak of it, he did not feel at liberty to speak of it himself.

He asked me to go to the Senate to see Senator Wigfall and make this explanation to him, and to say to him that his not telling him what he had done was not because of any withdrawal of confidence in him, that it was no time for friends to quarrel, and that he certainly meant no disrespect. I went to the Senate, saw Senator Wigfall, and made the explanation to him. He expressed himself as gratified with it, and said he would call at my house that night. He never came, however, and the next day was as bitter in his denunciation of the President as before; and continued his opposition until the fall of the Confederacy.

The Cabinet of Mr. Davis was so much of one view as to the necessities of our situation, that, while there were occasional differences of opinion among them, as was to be expected of thinking men, there was no passion nor strife.

It happened that I disagreed with the views of the President oftener than any other member of the Cabinet, and on one occasion I mentioned this to him, expressing my willingness to surrender my post if I were causing any embarrassment. He answered me that he had been a member of a Cabinet himself; adding that if the Cabinet should accept without question the opinions of the President, he did not well see what their use could be as advisers of the President, and that he was far from being displeased with my course in this respect. He observed that the free interchange of opinions was the way of arriving at correct conclusions.

The President and Cabinet were so constantly and earnestly engaged in the performance of their duties that but little time or attention was given to social amenities. I will mention an incident which occurred when the President had invited the Secretary of the Treasury, Senator Clay of Alabama, and myself to take breakfast with him. We were still at the table when a lady sent in her card. Mr. Davis, supposing it to be intended for Mrs. Davis, sent back word that Mrs. Davis was not in. The lady returned word that she had not called to see Mrs. Davis; that she wished to see the President.

She was invited in and proved to be quite an elderly lady, though sturdy and vigorous. She related that her home and property were in the Federal lines and that she had come to seek employment as clerk. She said that her children were able to take care of her, but that while she knew they would do so cheerfully, she did not want to feel that she was a dependant. She showed the President a gold-headed cane and a large oblong ring on her finger, which she said were in her possession as the eldest surviving descendant of the Hon. George Mason of Revolutionary times. Mr. Davis inquired if I could give her employment in the Post Office Department; but I had to tell him there was no vacancy. He made the same inquiry of Secretary Memminger, who requested her to write out her application in her own handwriting, and when he got to the Treasury Department he would see what could be done for her. She sent in her application in a bold, free hand, and received the appointment.

I will mention another incident in which I was relieved from a dilemma. I had invited the members of the Cabinet to dine with me. Among the dishes on the table was one of fried ham and eggs. Knowing that Mr. Benjamin, the Secretary of State, was a Jew, I was perplexed to know whether I should offer them to him. But to my relief he told me that the night before a burglar had broken into his smoke-house and stolen all of his fine hams.

In this connection I will call attention to some facts which illustrate the humane character of President Davis. My understanding is that, while the proceedings of many courts martial in which men were sentenced to be shot for desertion and other military offenses came to him for consideration, he never approved a single death sentence. It was the talk among the members of the Cabinet, that when the record of any such case came to him, he would examine it as a common law lawyer would examine a bill of indictment he wished to quash, and he never failed to find some reason for setting aside the death penalty. To guard against the effect of this, during the latter years of the war, General Lee found it necessary to have some of the deserters shot before the record was sent to the President, as he feared without doing this his army would become too much depleted by desertion.

Toward the close of the war the necessities of the service demanded every available man, and it was difficult for a soldier to get a leave of absence for any cause. There was a North Carolina soldier whose family, consisting of a wife and three or four children, had been driven from their home by the enemy. Word came to him that they were all sick and destitute, and that one of the children had died. He applied for a leave of absence to go to their relief, but it was refused. Not to be deterred, however, he went to his family and did what he could for them, and had started back to the army when he was arrested as a deserter. He was tried and condemned to be shot. When Mr. Davis examined the record he set aside the findings of the court, and ordered the prisoner to be restored to the ranks, saying that if he had been that man, under the circumstances, he would have acted in a similar way.

A youth of Richmond, who had been a naval cadet, deserted and enlisted in the infantry service. He was tried for desertion, but because he had enlisted in another branch of the service was not punished. Afterward he deserted from the infantry and joined a cavalry command; he was

again tried for desertion, and being regarded as an incurable, was convicted. The President ordered him restored to the ranks, saying that the poorest use which could be made of a soldier was to shoot him.

Riding out along the line below Richmond with the President on one occasion, we passed a rather small boy in a soldier's uniform.

"My boy, are you a soldier?" the President asked.

"I am, sir," came quickly.

"How old are you?"

"Fourteen," the youth replied.

Mr. Davis then inquired to what command he belonged, and upon being informed, requested the boy to ask his captain to come, which was done. The President remarked to the captain, "I think you should send that boy home; we ought not to destroy the seed corn."

CHAPTER XIII

Hampton Roads Conference

Vice-President Stephens, as shown in his *History of the War Between the States,* and in utterances after the fall of Vicksburg and the drawn battle at Gettysburg, and even before that, seemed to think something could be done to arrest the carnage of war by negotiations; and offered his service for that purpose in June, 1863. He evidently believed there was some possibility of favorable results from an effort at that time. After this matter had been discussed between them, the President gave him authority to go to Washington and see whether anything could be done. The authority he had from the President was to endeavor to secure a renewal of the cartel for the exchange of prisoners; but the discussion, as shown in Mr. Stephens's book, indicated that he hoped to offer suggestions looking to a cessation of hostilities. While it is not stated by him or by the President in their printed accounts about the matter, I understood at the time that the Vice-President hoped for some good effect on account of the fact that he and President Lincoln had been associated as Whig members of Congress, and as friends before the war, and that he might, because of that, be in a better position to invite the attention of Mr. Lincoln to pacific measures. He went to the Federal lines, but was refused permission to proceed to Washington.

In his history (Vol. II., p. 561) he uses this language, referring to what he hoped to accomplish:

> But if Mr. Lincoln could be prevailed on to agree to such a conference, then the object proposed, besides effecting, if possible, the general amelioration of prisoners, and the mitigation

of the horrors of war as conducted by the Federals, was to use the occasion for effecting also, if possible, other material results which might open the way for future negotiations that might eventually lead on to an amicable adjustment. * * * In this view Mr. Davis did not concur. He did not believe that the road to peace lay in that way. He did not think that anything towards its ultimate obtainment could be effected on this line of external policy indicated by me.

But his book shows that after the siege of Vicksburg and the battle of Gettysburg, he himself had lost confidence in the scheme. However, it was finally agreed between them that he should undertake the trip to Washington; but this programme was superseded by the Hampton Roads Conference, growing out of the Hon. Francis P. Blair's intercession.

On the 12th of January, 1865, the venerable Francis P. Blair, by permission of the Federal and Confederate authorities, visited President Davis at Richmond, Virginia, in the interest of peace between the United States and the Confederate States. He disavowed any authority from the Government of the United States to act for it. His idea seems to have been to secure a conference between the military authorities of the two governments; and to arrange a plan, without any formal negotiations, by which the armies of the two countries could be united and sent to Mexico to enforce the Monroe Doctrine against the Government of the Emperor Maximilian. After this conference, Mr. Davis gave Mr. Blair a letter stating that he had no desire to throw obstacles in the way of negotiations for the restoration of peace between the two countries, and that he was ready to send commissioners for that purpose whenever he had reason to suppose they would be received. Mr. Blair having returned to Washington, on the 13th of January President Lincoln addressed a note to him in which he referred to the letter of President Davis, and expressed his willingness to receive any agent whom Mr. Davis might send him, with a view of securing peace to our common country.

Upon learning of this disposition, Mr. Davis determined to send as Commissioners, for an informal conference, Vice-President Stephens, the Hon. R. M. T. Hunter, president of the Confederate Senate and former United States Senator; and the Hon. John A. Campbell, formerly a justice of the Supreme Court of the United States. The following is the commission under which they were to act:

RICHMOND, January 23, 1865.

In conformity with the letter of Mr. Lincoln, you are requested to proceed to Washington City for an informal conference upon the issues involved in the existing war, and for the purpose of securing peace to the two countries.

Mr. Lincoln changed his purpose, and, instead of receiving them at Washington, met them at Hampton Roads. The Confederate Commissioners were met there also by Secretary of State W. H. Seward on the part of the United States.

During recent years there has been an extensive discussion through the public prints of the questions which rose at the Hampton Roads Conference. It has been asserted over and over that President Lincoln offered to pay $400,000,000 for the slaves of the South to secure an end of the war; and that he held up a piece of paper to Mr. Stephens, saying: "Let me write the word Union on it, and you may add any other conditions you please, if it will give us peace." I am probably not using the exact words which were employed, but I am expressing the idea given to the public, in the discussion. It has frequently been alleged that Mr. Stephens said these offers were made. This has been repeated by citizens of acknowledged ability and high character, and it has been said that these offers could not be acceded to because the instructions given to the Commission by President Davis prevented it. The purpose of urging these untrue statements seems to have been to induce the public to believe that Mr. Davis could have obtained peace on almost any terms desired and $400,000,000 for the Southern slaves if he would have consented

to a restoration of the Southern States to the Union; and that, because of this, he was responsible for the losses of life and property caused by the continuance of the war.

I shall submit evidence which will prove that no such propositions were ever made. This course is rendered necessary and just, both for the truth of history, and to vindicate the action of President Davis and his Cabinet. For, undoubtedly, one of the purposes of insisting that such offers were made is to mislead the public as to the truth.

The following is the report of the Confederate Commissioners to President Davis as to what occurred at the Conference held on the 5th of February:

To the President of the Confederate States:

Under your letter of appointment of the 28th ult., we proceeded to seek an "informal conference" with Abraham Lincoln, President of the United States, upon the subject mentioned in the letter. The conference was granted and took place on the 30th ult., on board a steamer anchored in Hampton Roads, where we met President Lincoln and the Honorable Mr. Seward, Secretary of State of the United States. It continued for several hours, and was both full and explicit. We learned from them that the message of President Lincoln to the Congress of the United States, in December last, explains clearly and distinctly his sentiments as to the terms, conditions, and methods of proceeding by which peace can be secured to the people, and we are not informed that they would be modified or altered to obtain that end. We understood from him that no terms or proposals of any treaty or agreement looking to an ultimate settlement would be entertained or made by him with the authorities of the Confederate States, because that would be a recognition of their existence as a separate power, which under no circumstances would be done; and for a like reason that no such terms would be entertained by him for the States separately; that no extended truce or armistice (as at present advised) would be granted or allowed without a satisfactory assurance in advance of the complete restoration of the authority of the Constitution and laws of the United States over all places within the States of the Confederacy; that whatever consequences may follow from the reestablishment of that

authority must be accepted; but that individuals subject to pains and penalties under the laws of the United States might rely upon a very liberal use of the power confided to him to remit those pains and penalties if peace be restored.

During the conference, the proposed amendment to the Constitution of the United States adopted by Congress on the 31st ultimo was brought to our notice.

This amendment provides that neither slavery nor involuntary servitude except for crime, should exist within the United States, or any place within her jurisdiction, and that Congress would have power to enforce this amendment by appropriate legislation.

Very respectfully, etc.,
ALEXANDER H. STEPHENS,
R. M. T. HUNTER,
JOHN A. CAMPBELL.

Complaint has been made that Mr. Davis, by the wording of his instructions to the Commission, prevented them from making peace on any other terms than upon the condition of the independence of the Confederate Government; and that but for this condition, peace might have been secured at the Hampton Roads Conference. The official papers of that conference show that no terms could have been obtained or considered other than the unconditional surrender of the Confederate authorities. Mr. Davis knew the Vice-President's strong inclination to make peace on such terms as could be had. This is evidenced by Mr. Stephens's *History of the War Between the States,* and by his many statements to others; and it is fair to presume that the limitation put upon the power of these Commissioners was for the purpose of making it certain that they should agree to nothing less than either the recognition of the independence of the Confederacy, or at least the securing of protection against the unlawful domination of its enemies. There was a wide divergence of views between the President and Vice-President on this subject. Mr. Stephens never seemed to realize that there was no time, while we had fighting armies

in the field, that the people and the Army would have permitted an unconditional surrender if the President had been so inclined; nor would Mr. Davis at any time have consented to surrender while we had armies in the field able and willing to prolong the contest, rather than submit to Federal wrongs.

It is seen that the Confederate Commissioners say that no terms or proposals of any treaty or agreement would be entertained by President Lincoln with the authorities of the Confederate States, or with any of the States separately, and that no truce or armistice would be allowed without satisfactory evidence, in advance, of the complete restoration of the authority of the Constitution and laws of the United States over all places within the States of the Confederacy. This report was signed by Mr. Stephens, Mr. Hunter, and Judge Campbell. It shows conclusively that unconditional surrender, in advance of any negotiations, was the only condition whereby the war could be ended. And Judge Campbell, in his memoranda relating to this Conference, says that:

> In conclusion, Mr. Hunter summed up what seemed to be the result of the interview: that there could be no arrangements by treaty between the Confederate States and the United States, or any agreement between them; there was nothing left for them but unconditional submission.

On the 6th of February, 1865, President Davis sent the report of the Commissioners to the Confederate Congress, with a message in which he used this language:

> I herewith transmit for the information of Congress the report of the eminent citizens above named, showing that the enemy refused to enter into negotiations with the Confederate States, or any of them separately, or to give our people any other terms or guaranties than those which the conquerors may grant, or to permit us to have peace on any other basis than our unconditional submission to their rule, coupled with the acceptance of their recent legislation on the subject of the relations between the black and white population of each State.

In his *History of the War Between the States* (Vol. II., pp. 599-626) Vice-President Stephens gives a carefully compiled account of what was done at the conference; and in this he shows plainly and fully the distinct refusal of President Lincoln to recognize, or in any form to make or agree to any terms for peace with the Government of the Confederate States, or with any of the States separately, except upon the condition that they should, before any other measure should be considered, recognize and accept the Constitution and laws of the United States, and trust to Congress as to what disposition was to be made of the Confederacy, their people, and property. There is no word in his long account of any proposition as to the payment of $400,000,000 for the slaves, or of President Lincoln's writing the word Union on a sheet of paper and allowing Mr. Stephens or any one else to determine the terms and conditions upon which the war should be ended.

The joint resolutions, expressing the sense of the Confederate Congress on the subject of the Peace Commission, are as follows:

Whereas, the Congress of the Confederate States have ever been desirous of an honorable and a permanent settlement, by negotiation, of all matters of difference between the people of the Confederate States of America and the Government of the United States; and to this end provided, immediately on its assembling at Montgomery in February, eighteen hundred and sixty-one, for the sending of three commissioners to Washington, to negotiate friendly relations on all questions of disagreement between the two Governments, on principles of right, justice, equity and good faith; and, whereas, these having been refused a reception, Congress again, on the fourteenth of June, eighteen hundred and sixty-four, adopted and published a Manifesto to the civilized world, declaring its continued desire to settle, without further shedding of blood, upon honorable terms, all questions at issue between the people of the Confederate States and those of the United States, to which the only response received from the Congress of the United States has been, the voting down, by large majorities, all reso-

lutions proposing an amicable settlement of existing difficulties; and, whereas, the President has communicated to this Congress that, in the same spirit of conciliation and peace, he recently sent Vice-President Stephens, Senator Hunter, and Judge Campbell to hold conference with such persons as the Government of the United States might designate to meet them; and, whereas, those eminent citizens, after a full conference with President Lincoln and Secretary Seward, have reported that they were informed explicitly that the authorities of the United States would hold no negotiations with the Confederate States, or any of them separately; that no terms, except such as the conqueror grants to the subjugated, would be extended to the people of these States; and that the subversion of our institutions, and a complete submission to their rule, was the only condition of peace: Therefore,

Section First. Resolved by the Congress of the Confederate States of America, that while Congress regrets that no alternative is left to the people of the Confederate States but a continuance of the war or submission to terms of peace alike ruinous and dishonorable, it accepts in their behalf the issue tendered them by the authorities of the United States Government, and solemnly declares that it is their unalterable determination to prosecute the war with the United States until that power shall desist from its efforts to subjugate them, and the independence of the Confederate States shall have been established.

Section Second. Resolved, that the Congress has received with pride the numerous noble and patriotic resolutions passed by the Army, and in the gallant and unconquered spirit which they breathe, coming from those who have for years endured dangers and privations, it sees unmistakable evidence that the enthusiasm with which they first dedicated their lives to the defense of their country is not yet extinct, but has been confirmed by hardships and suffering into a principle of resistance to Northern rule, that will hold in contempt all disgraceful terms of submission; and for these expressions in camp, as well as for their noble acts in the field, our soldiers deserve, and will receive the thanks of the Country.

Section Third. Resolved, that the Congress invite the people of these States to assemble in public meetings, and renew their vows of devotion to the cause of independence; to declare their determination to maintain their liberties; to pledge themselves to do all in their power to fill the ranks of the Army; and to provide for the support of the families of our soldiers, and

to cheer and comfort, by every means, the gallant men, who, for years, through trials and dangers, have vindicated our rights on the battlefield.

Section Fourth. Resolved, that, invoking the blessing of God, and confiding in the justice of our cause, in the valor and endurance of our soldiers, and in the deep and ardent devotion of our people to the great principles of civil and political liberty for which we are contending, Congress pledges itself to the passage of the most energetic measures to secure our ultimate success.

T. S. Bocock,
Speaker of the House of Representatives.
R. M. T. Hunter,
President pro tempore of the Senate.
Approved 14th March, '65.
Jefferson Davis.

So it is seen that we have the report of the Confederate Commissioners to the President, the message of the President to Congress, the joint resolutions of the two Houses of the Confederate Congress, and the evidence of Mr. Stephens's history of what occurred at that Conference to prove that no such offers were made by Mr. Lincoln.

While it may seem unnecessary, I will go further and add to these testimonials those of President Lincoln and Secretary Seward.

Mr. Lincoln at first determined to send Secretary of State Seward to meet the Confederate Commissioners, and on the 31st of January, 1865, furnished him with instructions for his Government, which contained these provisions:

You will make known to them that three things are indispensable, to wit: 1, the restoration of the national authority throughout all the States; 2, no receding by the Executive of the United States, on the slavery question, from the position assumed thereon in the late message to Congress, and in preceding documents; 3, no cessation of hostilities short of an end of the war and the disbanding of all forces hostile to the Government.

In Mr. Lincoln's annual message to Congress dated December 5th, 1864, he says:

At the last session of Congress a proposed amendment of the Constitution abolishing slavery throughout the United States passed the Senate, but failed of the requisite two-thirds vote of the House of Representatives. Although the present is the same Congress, and nearly the same members, and without questioning the wisdom and patriotism of those who stood in opposition, I venture to recommend the reconsideration and passage of the measure at the present session.

And the same message contained the following:

In presenting the abandonment of armed resistance to the national authority, on the part of the insurgents, as the only indispensable condition to ending the war on the part of the Government, I retract nothing heretofore said as to slavery. I repeat the declaration made a year ago, that while I remain in my present position I shall not attempt to retract or modify the Emancipation Proclamation, nor shall I return to slavery any person who is free by the terms of that proclamation, or by any of the acts of Congress. If the people should, by whatever mode or means, make it an executive duty to re-enslave such persons, another, and not I, must be their instrument to perform it.

The proclamation here referred to by President Lincoln was that of January 1, 1863, for which that of September 22, 1862, had prepared the way. In that of the later date he declared:

That on the 1st day of January, 1863, all persons held as slaves within any State or designated part of a State, the people whereof shall be in rebellion against the United States, shall be then, thenceforward, and forever free.

In the face of his annual message of December 5, 1864, and of these two proclamations, how could President Lincoln have proposed to pay $400,000,000 for the slaves he had

already set free, and did not intend to return to a condition of slavery? And how could he have said that if he were allowed to write the word Union on a piece of blank paper the Confederate Commissioners might name any terms they pleased to end the war?

On the 7th of February, 1865, Mr. Seward addressed a communication to the Hon. Charles Francis Adams, the Minister Plenipotentiary of the United States to Great Britain, giving, for his information, an account of what occurred at the Hampton Roads Conference. This letter, it will be observed, was written four days after that Conference. In it, among other things, he said that President Lincoln announced to the Confederate Commissioners:

> That we can agree to no cessation or suspension of hostilities, except on the basis of the disbandment of the insurgent forces, and the restoration of the national authority throughout all the States in the Union. Collaterally, and in subordination to the proposition which he thus announced, the anti-slavery policy of the United States was reviewed in all its bearings, and the President announced that he must not be expected to depart from the positions he had assumed in his Proclamation of Emancipation, and other documents, as these positions were reiterated in his last annual message. It was further declared by the President that the complete restoration of national authority everywhere was an indispensable condition to any assent on our part to whatever form of peace might be proposed. The President assured the other party that while he must adhere to these positions, he would be prepared, as far as power was lodged with the Executive, to exercise it liberally. His power, however, is limited by the Constitution; and when peace should be made, Congress must necessarily act in regard to appropriations of money and the admission of representatives from the insurrectionary States. The Richmond party was then informed that Congress had, on the 31st ultimo, adopted by a Constitutional majority a joint resolution submitting to the several States the proposition to abolish slavery throughout the Union, and that there is every reason to expect that it will be accepted by three-fourths of the States, so as to become a part of the organic law.

I have not access to the *Life of Lincoln* by Nicolay and Hay, but I am informed that it fully sustains the views I am presenting on this question.

While it is true that some respectable men have asserted that Mr. Stephens told them of Mr. Lincoln's alleged offer,—and I have all their statements in writing or print,—there must have been some misunderstanding as to his language, for he was an honorable and truthful man, and a man of too much good sense to have made such allegations in the face of such record as is here presented. Among those who assert that Mr. Stephens made one or the other of those statements are the Hon. Henry Watterson, editor of the *Courier-Journal;* Rev. E. A. Green of Virginia; Dr. R. J. Massey of Georgia, and Mr. Clark Howell of Georgia. Any impartial person who may read the statements of Mr. Green will see his gross ignorance of the matters of which he writes, and any one who will read what he says and what Dr. Massey says will see that the main purpose with them was to throw discredit on President Davis for not making peace on terms which, as the evidence shows, were not offered, and which we were fully informed could not be allowed the Confederates. And it is also clear that a prime object with Dr. Massey was to lionize Mr. Stephens while discrediting Mr. Davis.

Among those who say Mr. Stephens denied making these statements are the Rev. F. C. Boykin of Georgia; Mr. R. F. Littig of Mississippi; Hon. James Orr of South Carolina, who was at that time associated with Vice-President Stephens as a member of the Confederate Senate; Hon. Frank B. Sexton, then a member of the Confederate Congress; Col. Stephen W. Blount of Texas, who had been a schoolmate, and was a friend to Mr. Stephens, who, in answer to Blount's inquiry, wrote that he never made any such remark; Mr. Charles G. Newman, of Arkansas; and Governor A. H. Garland, of Arkansas, who was at the time of the Conference a member of the Confederate Senate, and

the roommate of Mr. Stephens, and who has been United States Senator, and Attorney-General of the United States. Governor Garland says that on the return of the Confederate Commissioners Mr. Stephens told him no terms of peace could be had except upon unconditional submission of the Confederates.

It is not pleasant to have to consider such a conflict of statements. It has arisen between men of ability and character in the discussion of one of the important historical questions which grew out of the great contest. And the published statements show that there was an extensive effort being made to pervert and falsify the history of that important conference so as to cast public censure on President Davis for not terminating the war upon conditions which were not offered.

I also have a letter from Senator Vest of Missouri, who was then a Confederate Senator, in which he says: "R. M. T. Hunter, who was President pro tem. of the Confederate Senate, told me in detail what occurred at the Fort Monroe Conference, and it agrees with your statements. No more truthful and conservative man than Hunter ever lived."

The message of Mr. Lincoln of March 6, 1862, and his conference with border State representatives, at that time, and the statements he made to Mr. Stephens at the Hampton Roads Conference, and perhaps other expressions of his, showed, I think, his personal willingness that compensation should have been made for the slaves of the South, but the message referred to, and the conference which followed, were in March of the second year of the war; his suggestion then was that the border States of the Confederacy should adopt a general plan of emancipation upon the basis of compensation, and that if this was done it would defeat the purpose of the Southern States. It was a bid to the border States to desert their Southern sister States. Those representing the border States declined to act on this suggestion, for it was only a suggestion; for them to have acted in advance of any

move by the Northern States, and with no assurance that if they should adopt such a policy it would ever be accepted by the North would have been a species of madness. This, however, had no direct relation to what occurred at Hampton Roads.

I have no doubt that Mr. Stephens recited the statement made by President Lincoln at that conference to the effect that he, personally, would have no objection to an arrangement for compensation for the slaves if that would end the war, and that he knew persons who would be willing to pay $400,000,000 for that purpose. This is probably the basis and the only basis for the stories so often repeated about his offering at that conference to pay $400,000,000 if it would end the war. And when Mr. Stephens spoke of these two things, his hearers, I must suppose, misunderstood him, or misconstrued his words. It is better to view it thus and to assume that the stories referred to had their origin in that way than to believe that wilful misstatements were made.

I served with Mr. Stephens in the Congress of the United States four years before the war. We served together in the Provisional Congress of the Confederacy; were thrown together more or less during the war; and we served together in Congress for several years after the war. I always regarded him as an upright, honorable man. I was his friend, and admired his genius and ability, though I thought during the war, and have not changed my opinion, that he had very impracticable views as to the methods of conducting the war. And I fear from his writings and from the statements attributed to him by others that during the latter part of the war, and after it closed, he allowed his great name and influence to give too much encouragement to malcontents, who caused embarrassment to the Confederate Government, and who endeavored to cast unjust reflections on the policy, actions and services of President Davis, his Cabinet and the Confederate Congress.

CHAPTER XIV

The Campaigns of 1864 and 1865

After the retreat of Lee from Gettysburg, a pall fell over the Confederacy, for much had been expected of the invasion of the North. This shadow was deepened, too, by the fall of Vicksburg and Port Hudson, for the Confederacy was now cut in twain by the Mississippi River. But we still had Lee and his army and other armies, and therefore hope had not expired.

In February, 1864, an expedition under the command of Colonel Dahlgren was sent from the Federal army, then in Virginia, having for its object the release of 22,000 Federal prisoners on Belle Isle and other prisons in Richmond, the destruction of the city of Richmond, and the killing of President Davis and his Cabinet. Dahlgren's command was to cross the James River some distance above Richmond, pass down the south side of the river to Belle Isle, reach it through the shallow water and release the prisoners. On account of the swollen condition of the river, he was unable to cross it, and turned his command down a road on the north side.

Governor Wise learned of the movement, and brought word of it to the city. This caused the Tredegar battalion and the regiment of clerks and citizens to be called out—an expedient resorted to only in emergencies. At a bend in the road not far above Richmond, he met the battalion of workmen, employees of the Tredegar works. The battalion was dispersed by Dahlgren. In the mean time Colonel McAnerny's regiment was hastening to the defense of the city. This command was in a large measure made up of men

who had been soldiers, but who by wounds were unfitted for regular duty. McAnerny, himself, had been adjutant of an Alabama regiment, but had been incapacitated for field service by wounds and was a clerk in the Post Office Department.

A citizen who witnessed the defeat of the Tredegar battalion, riding rapidly to give the alarm, met McAnerny's regiment—not Colonel G. W. C. Lee's, as Mr. Davis through mistake states in his history—just outside the suburbs of the city, on the road by which Dahlgren was advancing, and notified them of the pending danger. It having become dark with a drizzling rain, Colonel McAnerny formed his line of battle across the road in a field, and threw forward a line of skirmishers, who, when the enemy approached, were instructed to keep up a desultory fire as they fell back to the line of battle, in order to define the line of attack. The skirmishers acted with admirable coolness, falling back slowly and firing to keep their line defined, until they brought Dahlgren's command in close range of McAnerny's regiment. The men had been ordered to lie down, until the enemy had come within range, when they were ordered to rise and fire. This they did admirably, killing and wounding some of the men and horses of the enemy, and causing them to retreat precipitately. They crossed the Chickahominy and York rivers in the direction of King and Queen counties. There some furloughed soldiers, home guards and citizens, having been apprised of their coming, ambushed them, killing Dahlgren and a number of his men, and wounding and making prisoners of the rest. To quote Mr. Davis (*Rise and Fall of the Confederate Government,* Vol. II., p. 506) :

> On the body of Dahlgren was found an address to his officers and men, giving special orders and instructions, and one giving his itinerary, the whole disclosing the unsoldierly means and purposes of the raid; such as disguising the men in our uniform, carrying supplies of oakum and turpentine to burn Richmond, and after releasing the prisoners on Belle Isle, to

exhort them to destroy the beautiful city, while on all was pressed the special injunction that the city must be burned and "Jeff Davis and his Cabinet killed."

Photographic copies of those papers were made and sent to the Cabinets of Europe to show the barbarous infractions of the laws of war among civilized nations, to which we were exposed.

President Davis had on more than one occasion threatened retaliation for the violation of the usages of war; and at a meeting of the Cabinet, after the above facts were brought out, the members of the Cabinet united in urging upon the President that there should be no more threatening of retaliation, that the prisoners who had been taken should draw lots and every tenth man be shot; and that the President of the United States should be informed of what we had done, and of the reasons for such action. Mr. Davis objected to shooting unarmed men, observing that if we had known these facts and could have shot them with arms in their hands, it would have been all right.

There was on this point more feeling expressed by the members of the Cabinet, and seemingly more danger of a serious disagreement than occurred at any other of its meetings. Some of them called attention to the monstrous purpose of burning the city, and of exposing the women and children to the infuriated mob of released prisoners, and the purposed murder of the President and Cabinet, and insisted on their recommendations being carried out. The President in an emphatic manner said that he would not permit an unarmed prisoner to be shot; and so the matter ended.

There was one battle during the war which has not gone into history, and as I was an active agent in it, I shall tell something of it. One morning in the summer of 1864 cannon firing was heard to the northwest of Richmond, and we were at a loss to understand it, as we had no information of

the approach of an enemy. As we had no troops there, Secretary Mallory and I got our horses and galloped out to where the noise was. When we got near our old line of intrenchments we saw Colonel Lyon, one of Richmond's most prominent citizens, riding along the line of intrenchments, gesticulating as if giving directions. When we reached him, we inquired what he was doing. He said: "Commanding the forces; Reagan, you command the right; Mallory, you the left, and I will take the center."

We rode up and down the line of intrenchments for some time, as if giving directions to men, with the shells cracking over us, until the firing ceased. The attacking party consisted of a regiment of cavalry and some pieces of light artillery, and if I remember correctly they were commanded by Colonel Grierson, who had prior to this raided extensively in Mississippi; but I am not positive as to the name of the commander. Colonel Lyon's residence was out near that line of intrenchment, which accounted for his presence. The Federals evidently feared that there were men in the trenches, but if they had known, there was nothing to have prevented their marching unresisted into the city. Several times during the war Richmond seemed to have been providentially saved from capture.

When in 1864 General Grant had taken up his march on Richmond, and the battle of the Wilderness had been fought and he had moved forward toward Spottsylvania Court House, Sheridan with a force of something more than 8,000 cavalry interposed between Lee and Richmond. He rightly thought that he might take the city by surprise. But Gen. J. E. B. Stuart, our gallant cavalier and great cavalry leader, with a force of about 1,100, hung on his flank. At this time there were but two brigades of infantry near for the defense of the capital, which had been notified of its danger by couriers dispatched by Stuart. A brigade commanded by General Fry was ordered up from below the city, and put in

position on the Yellow Tavern road, by which it was expected Sheridan would come. The regiment of clerks and citizens was called out and posted on our line of defense on the Meadow Bridge road. The Tredegar battalion was put in position further to the right. The Confederate line was defended by several batteries of siege guns. Sheridan came up on the Meadow Bridge road instead of the Yellow Tavern road, and began his attack early in the day. The regiment of clerks and citizens had wanted me to command them, but the President and Cabinet, when the matter was mentioned to them, advised against it, saying that I might be wanted at both places at the same time. At my suggestion, Colonel McAnerny was put in command of the regiment.

Before the fighting was fairly under way, General Elzy, who was in command of our forces, and Colonel McAnerny came to me and requested me to command the regiment during the fight. I declined to do so on the ground that it would be unjust to take the command on the first opportunity McAnerny had of being engaged in battle. They then proposed that I should command the battalion which was supporting the battery on the Meadow Bridge road, and the two batteries to the right of it. I answered that I would do that, but would not take McAnerny's command from him.

The artillery firing now became rapid on both sides; Fitzhugh Lee's brigade of cavalry was hanging on Sheridan's rear, and Gordon of North Carolina, with his brigade of cavalry—both of those brigades being under General Stuart—was fighting heavily on Sheridan's right flank. About twelve o'clock General Gracie's brigade of infantry came up from Chafin's farm below Richmond, where it had been placed with Fry's brigade to protect the city against the threatened attack from that direction. General Gracie inquired of me where General Elzy was, and I told him that half an hour before he had gone up our line to the left. He said that he would move out in front and do what he could to relieve Lee and Gordon.

He formed his line in front of our works, sending his skirmishers forward; he requested me to place three hundred of my best men outside of our works, to be ordered up if found necessary. While I was forming my line of three hundred, a friend who had come out from Richmond brought me a bottle of what he said was the finest brandy. I saw the officers of Gracie's command come together, I supposed for consultation. They had been in the rain during the latter part of the night and all the morning. I rode to where they were assembled and told them a friend had brought me a bottle of brandy, and that I supposed they needed it. They disposed of it very quickly, and General Gracie told me that when the battle was over he would have me promoted.

The skirmishers were already under fire and General Gracie advanced his command until two Federal batteries with infantry supports were enfilading his line from the right. He then changed front at an angle of about forty-five degrees, and marched forward until he drove the batteries away. He then changed his front to his original course, and moved forward in the open field, I suppose three-quarters of a mile wide, until he reached the woods occupied by the enemy. His line being then enfiladed from both ends and confronted by a superior force, he slowly withdrew toward our works.

All these movements were made with as much regularity as on an old field muster. They were certainly the handsomest and most regular movements I ever saw on a field of battle. He rode about among his command apparently as cool as if directing farm operations. He lost some seventy-five men in killed and wounded; his horse was struck three times, and he himself received one or two slight wounds. The battle lasted until about the middle of the afternoon, when General Sheridan withdrew, and moved off in a northwesterly direction.

I witnessed a piece of heroic conduct on that occasion, which deserves to be noticed. There was a two-story frame

house on a mound surrounded by some trees, so near to the battery on my right as to enable the enemy's sharpshooters, who occupied it, to reach our men with their shots. It had rained and the platform on which our guns stood was wet and slippery, and in firing one of the guns it bounded off the platform. I rode to where it was and was giving directions to the men about getting it back on the platform, when a non-commissioned officer, whose name I cannot recall, came to me and said that if I would permit it, he would take some men and drive the sharpshooters out of that house and burn it. My reply was, "I shall not object to your doing so, but will not order it." He went away and in a few minutes returned, saying that he had his men. There were, I think, eight of them. They jumped outside of the works and went at a double quick, half-bent with trailed arms. Three of them fell before they reached the house, but they drove the Federals away and burned it.

In the effort of General Stuart to impede the advance of Sheridan, when near Richmond, in a hand-to-hand struggle he received a mortal wound by a shot so close to him that it burnt his clothes.

General Stuart was an Episcopalian, and I attended his funeral services at one of the Episcopal churches of Richmond. As if to add to the solemnity of the occasion, while the funeral services were going on the noise of the enemy's cannon made it partially difficult to hear what was said. His death, following that of General Jackson, added to the deep gloom produced by the death of that invincible leader. In life General Stuart was as genial and lovable in his social intercourse as he was skilful and brave in battle.

In May, 1864, Gen. B. F. Butler landed a force, about 40,000 strong, on the south side of the James River, above the mouth of the Appomattox, for the purpose of cutting the railroad connection of Richmond with the South. He actually reached and took possession of the railroad between

Richmond and Petersburg. It devolved on General Lee then, with an inadequate force, to defend both Richmond and Petersburg; and he was perplexed with this difficult problem. If he should take soldiers from the north side of the James to enable him to repossess the railroad, it would endanger Richmond. If he should take them from the east side of the Appomattox this would endanger Petersburg; and the loss of either place would have been most unfortunate for the Confederate cause.

In this condition of things Gregg's brigade (formerly Hood's) was confronting the Federal forces which occupied the railroad. Suddenly, without orders, and as the result of an accidental movement of the brigade standard, it rushed forward and drove the Federals from the line of the railroad and thus relieved this embarrassing situation, by reestablishing communication between Richmond and Petersburg. I inquired of General Gregg how this came about. He told me they were expecting orders to advance; that he was at one end of his line and the standard of the brigade at the other; that the flag was moved forward, he did not know by whom or for what purpose, and that the men assumed the order to advance had come, and dashed forward, driving the enemy before them.

Great was the relief this daring movement afforded to General Lee and the authorities and people of Richmond and Petersburg. While it was accomplished with much less sacrifice of life than was suffered by this brigade on other occasions, we may hardly overestimate its importance. And a few weeks later the pictorial papers of London and Liverpool which came to us contained very amusing and interesting pictures and descriptions of Lee's "Texans straggling to the front."

It may be allowable for me, in this connection, to mention two other instances, illustrating the heroic service of Hood's brigade, which occurred after Gen. John Gregg became its commander. One of them was at the opening of the cam-

paign of 1864. After the great battle of the 4th of May, 1864, known as the battle of the Wilderness, General Grant, during the night, moved a portion of his force to the left for the purpose of turning General Lee's right, and interposing between him and Richmond. General Lee at the same time commenced a counter movement for the purpose of enabling General Longstreet's corps to turn Grant's left and thus to double him back on the Rappahannock.

While Longstreet was moving into position along the turnpike, the Federals just at dawn, with three lines of infantry, attacked the divisions of Heth and Wilcox. Many of their men wearied by a day of battle, succeeded by a night march and the digging of intrenchments, had fallen down to sleep, and the sudden attack of the Federals threw them into some confusion, and a number of them struggling to the rear so blocked up the turnpike as to impede Longstreet's progress. General Gregg's brigade being in the front of Longstreet's corps, General Lee rode up and directed him to move out his brigade and "stop those people" (meaning the Federal forces), until Longstreet could execute his movement.

Gregg moved his brigade out to the front, passing through the stragglers, and having passed the Confederate line of works, halted his command to re-align it. In ordering them to go forward, he announced that the eye of General Lee was on them. In his anxiety for the success of this movement General Lee had followed them, and had ridden up on the line of works, when a soldier took hold of his bridle to stop his horse. General Lee spoke to him, and the soldier let go and the General rode down in front of the line of works. When Gregg announced to his men that the eye of General Lee was on them, they faced about without an order, and shouted, "General Lee, go back! go back! we know what you want, and it will be done if you will go back." General Lee took off his hat, and the tears ran down his cheeks.

Then the brigade moved forward to encounter the enemy. They were outnumbered in front and flanked at both ends, but stayed the advance of the enemy until Longstreet so far executed his movement as to uncover their front; in doing which, through mistaken identity, he was seriously wounded by the Confederates, and General Jenkins, who was with him, was killed. Gregg passed the old line of works with seven hundred and eleven muskets. He lost over four hundred in killed and wounded, and he had three horses killed under him during the fight. He told me that if they had not been relieved by General Longstreet he believed the old brigade would have been annihilated, for, in his opinion, the Texans had not intended to go back alive.

I am indebted for the foregoing facts to General Gregg's account of them to me. And there was no more sincere and truthful man than Gregg, who at last was killed in advance of his command, in an assault upon a strongly intrenched line near Richmond.

Elsewhere I have spoken of President Davis being under fire at the battle of Seven Pines. While I was not a witness to it, he spoke in the Cabinet of being on the battlefield, in the open ground between the Chickahominy and Mechanicsville, when the ground was being swept by the shot and shell of the enemy, and of his being ordered from the field by General Lee. He jocularly remarked that he had supposed himself to be the Commander-in-Chief of the Army, but that General Lee insisted on his retiring, with the statement, "This is no place for you." Either anxiety for the results, or military training and instinct seemed to draw him to the battlefield, and to points of danger.

The Hon. Ely Bruce, a member of the Confederate Congress from Kentucky, said to me that he had never seen a battle, that I might know when one was to occur, and if so he would be glad if I would let him know. A few days later on meeting him, I told him that if he would meet me

at the Post Office Department at ten o'clock the next morning, we would go down the Petersburg road, and might witness a battle. General Beauregard was then in command of the Confederate forces between Richmond and Petersburg, confronting the Federals under Gen. B. F. Butler. General Whiting was in command of the Confederate forces at Petersburg. I had been advised that a battle was likely to occur between them on the day to which I refer, and that the attack on the Federals was to be made by General Whiting on the Petersburg side, and that the sound of his guns was to be the signal for an attack by Beauregard from the Richmond side. It turned out that the Federals had determined to bring on the battle on the same day; so that they attacked Beauregard's forces, and during the battle were driven back from the open ground into the woods. But nothing was heard from General Whiting. The Confederates occupied a line which had been fortified by the Federals just at the edge of the woods; but their advance was stopped at this line.

The general officers met at the Petersburg turnpike for consultation, and while talking, one of them was hit in the back by a bullet; the others joked him about being shot in the back. Still nothing was heard from Whiting. General Butler had pressed his artillery and sharpshooters near enough to the Confederate line to cause some danger and kept up an almost continuous fusillade. In this condition a shower of rain came up, and President Davis, who was present, rode under a leaning silver maple tree and a young officer threw his water-proof cape over his shoulders. At this time General Beauregard approached and suggested to the President that they had better go into one of the shanties near by, which had sheltered the soldiers, and get out of the rain. Before that, however, some of the officers and two of the staff of the President had come to me and asked me to try to get him to leave the field, as persons were getting hit occasionally and he was as likely to be struck as others, and that he could

be of no use there. I presented their request, which he disregarded, going instead with Beauregard into the shanty. A soldier boy accompanied them, and presently a shell from the guns of the enemy took one of the boy's arms off near his shoulder while he was standing by them. General Beauregard suggested that the enemy seemed to have the range of that place, and that they had better go across the turnpike to the open ground, which they did. The shells continued to sweep the ground there also and Beauregard suggested that they seemed to have the range everywhere.

At last the firing ceased, and we and the President and his staff officers returned to the city. It turned out that the reason General Whiting did not commence the attack, as expected, was because he was drunk, which he frankly admitted in a letter to the President. He was not disciplined as he ought to have been, for such conduct. Because of his great popularity and valuable service in a number of battles before that, he was permitted to retain his command. The next day at a meeting of the Cabinet, the President spoke of my taking the message to him requesting him to retire from the field, and said he realized as well as the officers did that his presence was not necessary, but added that it was very inconvenient to ride off under fire.

On the 3rd of June, 1864, the second battle of Cold Harbor was fought, in which General Lee had less than 50,000 men, while General Grant had more than 100,000. In that battle the loss on the Federal side was over 13,000, while the loss on the Confederate side was probably not as many hundred. This disparity was due to the fact that the Confederates were assaulted in their trenches.

On the morning of that day, Judges Lyons and Meredith, two of the State judges living in Richmond, and myself, rode out to our line of battle, crossing the Chickahominy at Mechanicsville, and passing along a few hundred yards in the rear of our line of battle until we came in sight of General

Lee's headquarters, on the field at the Gaines' Mill farm. Several squads of Federal prisoners were brought back to the road we were riding on as we passed down the line. When we got in sight of General Lee's headquarters, I suggested to Judge Lyons and Judge Meredith that I would ride down to where General Lee was. They did not go any farther. We could see that the enemy's shells were falling on the field about General Lee. A few hundred yards in the rear of his headquarters were probably fifteen or twenty acres of forest trees, surrounded by cultivated land. At that time there was a good deal of anxiety, both in the army and among the civilians, about General Lee's exposing himself too much in battle, accompanied by a feeling that his loss would be of the greatest consequence; and Judges Lyons and Meredith suggested that I should inquire of General Lee whether he might not send his orders and receive his reports, covered behind that timber, as well as in his then exposed situation. I said to them that I would see the General, but did not know about making suggestions to him as to his headquarters in the midst of a battle.

When I reached the camp there was none but an orderly with him, his staff officers being away on duty. After passing the compliments of the day, I said to him it seemed that a great deal of artillery was being used.

"Yes," he replied, "more than usual on both sides." He added, "That does not do much harm here." Then, waving his hand toward the front, where the rattle of musketry made a noise like the tearing of a sheet, he observed: "It is that that kills men." He then remarked that General Grant was hurling columns from six to ten deep against his lines at three places for the purpose of breaking them.

"General," I said to him, "if he breaks your line, what reserve have you?"

"Not a regiment," he replied. "And," he added, "that has been my condition ever since the fighting commenced on the Rappahannock. If I shorten my lines to provide a reserve he

will turn me; if I weaken my lines to provide a reserve, he will break them." He also said that he had to fight and march his men without sufficient rest, and that exhaustion and the want of vegetables had caused the loss of more men than the bullets of the enemy. He said he had advised them to use the buds of sassafras and of grapevines as a substitute for vegetables, but that this was a poor substitute. He asked me, on my return to Richmond, to see the commissary-general before going home, and to urge him to send as fast as possible all the potatoes and onions he could. "Some of the men now have scurvy," he said.

I said to the General that there was some uneasiness about his being exposed so much, and that Judges Lyons and Meredith, who had come out with me, had suggested the inquiry whether he might not cover himself by the forest trees in his rear, and from there send his orders and receive his reports as well as from this exposed position.

His reply was that it was best for him to be as well up toward the front as he could, and that when the shells had begun to fall on the field, he had ordered the wagons containing the quartermaster, commissary, medical and ordnance stores to fall back behind the forest trees. He added: "I have as good generals as any commander ever had, and I know it, but still it is well for me to know the position of our lines. To illustrate this," he continued, "in forming my right, I directed that it should cover Turkey Hill, which juts out on the Chickahominy valley so as to command cannon range up and down the stream. In forming the line, however, this was not done, and on yesterday afternoon I had to direct General Breckinridge to recover that position by an assault which cost us a good many men."

General Lee's lines were then about seven miles from Richmond, and he was confronted by a well equipped and well organized army of more than double his numbers. And thus situated in the midst of a great battle, he was calm and self-possessed, with no evidence of excitement; and in his

conversation showed he was thinking of the condition and wants of the brave men under his command, as well as guarding with invincible courage the besieged capital of the Confederacy. Mrs. Jefferson Davis, the widow of the President, in her *Memoir* of him, says that "in April, 1864, in General Lee's tent meat was served twice a week. His bill of fare was a head of cabbage boiled in salt water, sweet potatoes, and a pone of corn bread; when he invited an officer to dine with him he had, to his astonishment, four inches of middling; every one refused from politeness, and the servant excused the smallness of the piece by saying it was borrowed." This shows how the greatest general of the age consented to live and to suffer privations in the struggle for justice to the people he was serving. When we remember that if General Lee had taken sides against his own people and State, he could have been Commander-in-Chief of the armies of the United States, and that he had to abandon his great landed estate and palatial residence fronting Washington City on the Potomac, and that his family, but for the kindness of friends, would have become homeless refugees, we can understand the unparalleled sacrifice this heroic general made in supporting and defending the cause of right. I can but feel that God made him one of the bravest, best, and most patriotic, as well as one of the greatest of men.

August 29, 1864, a severely contested battle was fought, on the north side of James River, below Chafin's farm, between General Field's division of Confederates, and a portion of the Federal army. President Davis and I rode down some nine or ten miles to the battlefield. When we reached our outer line of works we were told the fighting had occurred about one mile to the left of that point, and that the firing had ceased. We rode to General Field's headquarters, and found him in much distress, his brother-in-law, who was a member of his staff, having been killed. We saw the Federal soldiers under a flag of truce, in the rear of our line, burying their dead, and the Confederates under a flag of

truce, in the rear of the Federal lines, burying our dead. The two armies had alternately been driven back and then recovered their ground, and when the fighting ceased each occupied its original position.

The President wished to see General Lee, who, as General Field told us, was on our line about four miles to the right. Field said to the President that the country to General Lee's headquarters was wooded and rough and that he would send one of his staff to pilot us. On our way, when we reached the point where we had first struck our line, the young officer piloting us rode across it, the President remarking that this was our outer line. But that officer could not have heard what he said, as he made no response. When he had gone two or three hundred yards we heard hallooing, and looking to the left on higher ground, saw persons beckoning to us. We halted, and Judge George Clark, who now lives at Waco, Texas, then commanding the company on that part of the line, came down to us and said that seeing us outside of our lines, he had ordered his men to fire on us, when he noticed our Confederate gray. He told us that in half a minute we would have been in the Federal lines, and would have been dead or prisoners. It is needless to say that we beat a retreat. The President, as may be supposed, was not in a good humor; and, as we rode on, recognizing the mistake of our guide and seeing that he was much mortified, I sought to relieve his feelings, and went forward and suggested to the President that the young man was much hurt and that it might be well for him to give him a word of relief. Mr. Davis slacked his pace a little, and when the young officer came up, spoke of his serious mistake; but in a way which somewhat relieved his embarrassment.

It was some time after nightfall when we reached General Lee's headquarters; and in the course of the conversation he said it had been over one hundred days since the fighting began on the Rappahannock, and that there had not been a day in which some of his men had not been killed.

CHAPTER XV

The Surrender of Our Armies

In March, 1865, the army defending Richmond had become much reduced, and suffered more or less from insufficient supplies. Our lines for the defense of Richmond and Petersburg were some thirty miles long, and the force under General Lee barely sufficed for a skirmish line. On the morning of the 2d of April (Sunday), General Lee commenced the withdrawal of his entire force from the front. Being anxious about the situation, I was with the Secretary of War until pretty late Saturday night. On the next morning I returned to the War Department at an early hour. While there the Secretary received two dispatches from General Lee, saying in substance that his whole line would retire from its position at seven o'clock that evening, and making suggestions for the security of the public archives. Immediately on receipt of this information I started to communicate it to the President, and on the way to the mansion met him and Governor Frank R. Lubbock, a member of his staff, on their way to church, and informed him of the dispatches from General Lee to the Secretary of War.

In making this statement I am not unmindful of the fact that it has gone into history that President Davis received a dispatch from General Lee that morning while at church, which is assumed to be his first information as to the withdrawal of our army. In President Davis's *Rise and Fall of the Confederate Government,* he uses the following language: "In the forenoon of Sunday, April 2d, I received in church a telegram announcing that the army would retire from Petersburg at night."

This is true; it is also true that I gave him the first information of that fact. And it is not unnatural, mine being an unofficial communication, that he should state as a historical fact that his first official information reached him while at church.

That Sunday was a sad day for us all. The President called his Cabinet together and they were met by John Letcher, the Governor of Virginia, and Mr. Mayo, the Mayor of Richmond. There were naturally many and serious questions to be discussed, and among them the disposition that was to be made of the public archives. A considerable portion of them, mainly from the Executive Department, were destroyed. The most important papers of the Post Office Department had been sent away from Richmond in the care of an employee. There was hardly time for any other consideration; the booming of the guns of the enemy told of the approaching host, and preparations were hurriedly made for the departure of the governmental forces. The President and the members of the Cabinet, with the heads of the bureaus of the various departments, together with many of the clerks, made ready for leaving.

The streets of the city were filled with eager and stolid-countenanced people, and everything was hurry and bustle and preparation, for never before had Richmond felt that the doom of capture was in store for her. During four long years, the armies of the enemy had been beaten away from her very gates, but now the sad realization of the inevitable seemed to possess the gallant Confederate citizens. During the years of conflict they had become inured to the rattle of their windows by the thunder of the Federal guns, but now all was suddenly changed. The chief problem with the citizens, as numbers of them expressed it to me, was whether they should attempt to leave the city or to remain at their homes and submit to the invading army. The question, however, was practically predetermined for them. Limited transportation facilities over the single remaining line of railroad

south, and the use of that for the conveyance of such of the archives as could be carried, together with the demands made upon it by the officials of the Confederacy, left but small opportunity for the inhabitants to escape; a few, however, were accommodated on the train which bore away the archives and the Government officials.

The fall of the capital of the Confederacy apparently foreshadowed the fall of the Confederacy itself, and the gloom which pervaded all ranks of society was appalling. The pen of man cannot be dipped in ink black enough to draw the darkness of that night which fell over Richmond. Throughout the city reigned a quiet, undemonstrative confusion, such as the realization of the inevitable draws with it—hardly a soul in all the capital found rest in sleep, for on the morrow it was certain the stars and bars would be replaced by the stars and stripes, and the dream of an independent Confederacy would have blown over like a mist from the sea. I like not to recall the terrible tenseness of that one night with the awful message it bore to the Government of the Confederacy.

It was near midnight when the President and his Cabinet left the heroic city. As our train, frightfully overcrowded, rolled along toward Danville we were oppressed with sorrow for those we left behind us and with fears for the safety of General Lee and his army. At the last Cabinet conference our hope had been, and it was General Lee's, that he might join with General Johnston in North Carolina, and that their combined armies might interpose between General Grant and General Sherman. There was in this movement a gleam of hope, for faith in the success of the Confederacy had as yet not been wholly abandoned by the Cabinet. We were speeding on toward Danville when a message came bearing the melancholy tidings that General Lee had actually abandoned the lines about Petersburg and Richmond and was in retreat. After almost constant fighting and a most heroic struggle, for weary days, against overwhelming odds, General Lee was compelled to surrender at Appomattox the army which

had fought so many battles and won so many victories over superior numbers.

We reached Danville on the morning of the third of April, and remained there several days. When we were leaving news was brought to us that the citizens were robbing the commissary and quartermaster's stores. We made no stop until we reached Greensboro, North Carolina, on the 11th instant. The President called from the field Generals Johnston and Beauregard to discuss with them the situation, for they commanded the forces in that State, and practically our only army in that part of the Confederacy.

After receiving their report of the condition of the army there, the President called for the members of the Cabinet and General Johnston to meet him at ten o'clock the next morning at the house of Colonel John Taylor Wood, a member of his staff, for the purpose of considering what should be done in view of the conditions reported by these generals. The army of General Lee having surrendered, this was our last hope in that part of the Confederacy. They reported that they were unable to meet successfully the forces commanded by General Sherman, and that retreat would render it necessary to abandon a part of their artillery in order to get horses for purposes of transportation. In addition to this they suggested that a retreat would cause the desolation of the country through which it was made.

Our meeting at Colonel Wood's home the next morning was one of the most solemnly funereal I ever attended, as it was apparent that we must consider the probable loss of our cause. When we were convened, a general conversation was indulged in for some time. No one seemed disposed to take up the business for which we were assembled. With feelings I cannot well describe, I stated that if we were to proceed as in a council of war, where the youngest spoke first, I was prepared to give my views. The President and the other members of the Cabinet suggested that I should proceed. I then proposed in substance, as bases for negotiations for peace with the enemy, the following:

"I. The disbanding of the military forces of the Confederacy.

"II. The recognition of the Constitution and authority of the Government of the United States.

"III. The preservation and continuance of the existing State Governments.

"IV. The preservation to the people of all their political rights and the rights of person and property secured to them by the Constitution of the United States and of their several States.

"V. Freedom from future prosecution or penalties for participation in the present war.

"VI. Agreement to a general suspension of hostilities pending these negotiations."

General Breckinridge, Secretary of War, expressed his approval of these suggestions; Secretary Mallory, of the Navy, did likewise; and Attorney-General Davis commended them; but the Secretary of State, Benjamin, announced himself in favor of continuing the struggle. The Cabinet realized the hopelessness of such a course and decided against him. The President then instructed General Johnston, on returning to his command, to present these views to General Sherman.

On the next day, I think it was, the President and his party left Greensboro for Charlotte, North Carolina. But before we started the citizens began raiding the quartermaster and commissary supplies, and pillaging the stores of the town. They were finally fired on and driven off.

While General Johnston was with us at Greensboro he told President Davis that General Sherman had authorized him to say that he (Davis) might leave the country on a United States vessel and take with him whoever and whatever he pleased. To this the President replied, "I shall do no act which will put me under obligations to the Federal Government." This was not given to the public by any member of the Cabinet, so far as I know, as we did not know

whether General Sherman was authorized to make such an offer, until he made it public in an after-dinner speech in New York in the summer of 1866. In that address he said he had inquired of President Lincoln whether he should capture Mr. Davis or let him go; and that Mr. Lincoln replied by an anecdote about a temperance lecturer in Illinois, who, when cold and wet, had stopped for the night at a wayside inn. The landlord, noting his condition, inquired whether he would have a glass of brandy. "No," came the reply; "I am a temperance lecturer and do not drink." However, after a pause, he said to the landlord, "I shall be obliged to you for a drink of water, and if you should put a little brandy in it unbeknownst to me, it will be all right."

When we had gotten about half way to Charlotte, the President received a dispatch from General Johnston, informing him that he was in communication with General Sherman, and requesting that some one should be sent to assist in the negotiations. Mr. Davis requested the attendance of General Breckinridge and myself, and, stating the substance of the dispatch, observed that as I had proposed the bases for the negotiations, he desired me to go, and that as there might be a refusal to treat with the civil authorities of the Confederacy, he wished General Breckinridge to go to represent the Army.

Breckinridge and myself left at once, traveling that night, the next day and the second night until near daylight, when we reached the headquarters of General Johnston. (Much of the railroad track had been torn up and a number of bridges burned, which caused this delay.) General Hampton was with him. We had breakfast toward sun-up; and shortly afterward General Johnston suggested that he and General Breckinridge would go to the place of meeting and entertain General Sherman until I could put in writing our proposed terms. This programme was followed, and I sent the paper to General Johnston, who subsequently stated that it contained with slight variations the terms of the armistice

agreed on by those generals. I did not join in the negotiations beyond this, because objection had been made to the recognition of the civil government of the Confederacy. But the Federal Government refused to recognize the terms of surrender as proposed between Johnston and Sherman; and so an arrangement was drawn up similar to that effected at Appomattox, and General Johnston's army was surrendered.

On receipt of information of the surrender of General Johnston, Mr. Davis requested the written opinion of the members of his Cabinet as to what course should be adopted in this extremity. In my opinion, which contained a pretty full review of the situation, I advised acquiescence in the terms of surrender. It was as follows:

CHARLOTTE, NORTH CAROLINA, April 22, 1865.

TO THE PRESIDENT.

SIR: In obedience to your request for the opinions in writing of the members of the Cabinet, on the questions: First, as to whether you should assent to the preliminary agreement of the 18th instant between Gen. Joseph E. Johnston, of the Confederate Army, and Maj.-Gen. W. T. Sherman, of the Army of the United States, for the suspension of hostilities and the adjustment of the difficulties between the two countries; and if so, second, the proper mode of executing this agreement on our part, I must advise—painful as the necessity is, in view of the relative condition of the armies and resources of the belligerents—the acceptance of the terms of the agreement.

General Lee, the general-in-chief of our armies, has been compelled to surrender our principal army, heretofore employed in the defense of our capital, with a loss of a very large part of our ordnance, arms, munitions of war, and military stores of all kinds, with what remained of our naval establishment. The officers of the civil government have been compelled to abandon the capital, carrying with them the archives, and thus to close, for the time at least, the regular operations of its several Departments, with no place now open to us at which we can reestablish and put these Departments in operation, with any prospects of permanency or security for the transaction of the public business and the carrying on of the Government. The

army under the command of General Johnston has been reduced and this force is, from demoralization and despondency, melting away rapidly by the troops returning to their homes singly and in numbers large and small; it being the opinion of Generals Johnston and Beauregard that with the men and means at their command, they can oppose no serious obstacle to the advance of General Sherman's army. General Johnston is of the opinion that the enemy's forces now in the field exceed ours in numbers by probably ten to one. Our forces in the South, though still holding the fortifications at Mobile, have been unable to prevent the fall of Selma and Montgomery in Alabama, and of Columbus and Macon in Georgia, with their magazines, work-shops, and stores of supplies.

The army west of the Mississippi is unavailable for the arrest of the victorious career of the enemy east of that river, and is inadequate for the defense of the country west of it. The country is worn down by a brilliant and heroic, but exhausting and bloody struggle of four years. Our ports are closed so as to exclude the hope of procuring arms and supplies from abroad; and we are unable to arm our people, even if they were willing to continue the struggle. The supplies of quartermaster and commissary stores in the country are very limited in amount, and our railroads are so broken and destroyed as to prevent, to a great extent, the transportation and accumulation of those remaining. Our currency has lost its purchasing power, and there is no means of supplying the treasury; and the people are hostile to impressments and endeavor to conceal such supplies as are needed for the army from the officers charged with their collection. Our armies, in case of a prolongation of the struggle, will continue to melt away as they retreat through the country. There is danger, and I think I might say certainty, based on the information we have, that a portion, and probably all of the States will make separate terms with the enemy as they are over-run, with the chance that the terms so obtained will be less favorable than those contained in the agreement under consideration. And the despair of our people will prevent a much longer continuance of serious resistance, unless they shall be hereafter urged to it by unendurable oppressions.

The agreement under consideration secures to our people, if ratified by both parties, the uninterrupted continuance of the existing State governments; the guarantees of their political rights and of their rights of person and property, and immunity

from future prosecutions and penalties for their participation in the existing war, on the condition that we accept the Constitution and Government of the United States and disband our armies by marching the troops to their respective States, and depositing their arms in the State arsenals, subject to the future control of that Government, but with a verbal understanding that they are only to be used for the preservation of peace and order in the respective States. It is also to be observed that the agreement contains no direct reference to the question of slavery, requires no concessions from us in regard to it, and leaves it subject to the Constitution and laws of the United States and of the several States just as it was before the war.

With these facts before us, and under the belief that we cannot now reasonably hope for the achievement of our independence, which should be dearer than life if it were attainable, and under the belief that a continuance of the struggle, with its sacrifices of life and property, and its accumulation of sufferings, without a reasonable prospect of success, would be both unwise and criminal, I advise that you assent to the agreement as the best you can now do for the people who have clothed you with the high trust of your position.

In advising this course, I do not conceal from myself, nor would I withhold from your Excellency, the danger of trusting the people who drove us to war by their unconstitutional and unjust aggressions, and who will now add the consciousness of power to their love of dominion and greed of gain.

It is right also for me to say that much as we have been exhausted in men and resources, I am of the opinion that if our people could be induced to continue the contest with the spirit which animated them during the first years of the war, our independence might yet be in our reach. But I see no reason to hope for that now.

On the second question, as to the proper mode of executing the agreement, I have to say that whatever you may do looking to the termination of the contest by an amicable arrangement which may embrace the extinction of the government of the Confederate States, must be done without special authority to be found in the Constitution. And yet, I am of the opinion, that charged as you are with the duty of looking after the general welfare of the people, and without time or opportunity, under the peculiarity and necessities of the case, to submit the whole question to the States for their deliberation and action

without danger of losing material advantages provided in the agreement; and as I believe that you, representing the military power and authority of all the States, can obtain better terms for them than it is probable they could obtain each for itself; and as it is in your power, if the Federal authorities accept this agreement, to terminate the ravages of war sooner than it can be done by the several States, while the enemy is still unconscious of the full extent of our weakness, you should, in case of the acceptance of the terms of this agreement by the authorities of the United States, accept them on the part of the Confederate States, and take steps for the disbanding of the Confederate armies on the terms agreed on. As you have no power to change the government of the country, or to transfer the allegiance of the people, I would advise that you submit to the several States, through their governors, the question as to whether they will, in the exercise of their own sovereignty, accept, each for itself, the terms proposed.

To this it may be said, that after the disbanding of our armies and the abandonment of the contest by the Confederate Government, they would have no alternative but to accept the terms proposed or an unequal and hopeless war, and it would be needless for them to go through the forms and incur the trouble and expense of assembling a convention for the purpose. To such an objection, if urged, it may be answered that we entered into the contest to maintain and vindicate the doctrine of States' rights and State sovereignty, and the right of self-government, and we can only be faithful to the Constitution of the United States, and true to the principles in support of which we have expended so much blood and treasure, by the employment of the same agencies to return into the old Union which we employed in separating from it and in forming our present Government; and if this should be an unwelcome and enforced action by the States, it will be no more so on the part of the States than on the part of the President, if he were to undertake to execute the whole agreement, and while they would have authority for acting, he would have none.

This plan would at least conform to the theory of the Constitution of the United States, and would, in future, be an additional precedent, to which the friends of States' rights could point in opposing the doctrine of the consolidation of powers in the central government. And if the future shall disclose a disposition (of which I fear the chance is remote) on the part of the people of the United States to return to

the spirit and meaning of the Constitution, then this action on the part of the States might prove to be of great value to the friends of constitutional liberty and good government.

In addition to the terms of agreement, an additional provision should be asked for, which will probably be allowed without objection, stipulating for the withdrawal of the Federal forces from the several States of the Confederacy except a sufficient number to garrison the permanent fortifications and take care of the public property until the States can call their conventions and take action on the proposed terms.

In addition to the necessity for this course, in order to make their action as free and voluntary as other circumstances will allow, it would aid in softening the bitter memories which must necessarily follow such a contest as that in which we are engaged.

Nothing is said in the agreement about the public debt and the disposition of our public property beyond the turning over of the arms to the State arsenals.

In the final adjustment we should endeavor to secure provisions for the auditing of the debt of the Confederacy, and for its payment in common with the war debt of the United States.

We may ask this on the ground that we did not seek this war, but only sought peaceful separation to secure our people and States from the effects of unconstitutional encroachments by the other States, and because, on the principles of equity, allowing that both parties had acted in good faith, and gone to war on a misunderstanding which admitted of no other solution, and now agree to a reconciliation, and to a burial of the past, it would be unjust to compel our people to assist in the payment of the war debt of the United States, and for them to refuse to allow such of the revenues as we might contribute to be applied to the payment of our creditors. If it should be said that this is a liberality never extended by the conqueror to the conquered, the answer is that if the object of the pacification is to restore the Union in good faith and to reconcile the people to each other, to restore confidence and faith, and prosperity and homogeneity, then it is of the first importance that the terms of reconciliation should be based on entire equity, and that no just ground of grief or complaint should be left to either party. And both parties, looking not only to the present, but to the interests of future generations, the amount of money which would be involved,

though large, would be as nothing when compared with a reconciliation entirely equitable, which should leave no sting to honor, and no sense of wrong to rankle in the memories of the people, and lay the foundations for new difficulties and for future wars. It is to this feature, it seems to me, the greatest attention should be given by both sides. It will be of the highest importance to all, for the present as well as the future, that the frankness, sincerity and justice of both parties shall be as conspicuous in the adjustment of past difficulties, as their courage and endurance have been conspicuous during the war, if we would make peace on a basis which should be satisfactory and might be rendered perpetual.

In any event provisions should be made which will authorize the Confederate authorities to sell the public property remaining on hand, and to apply the proceeds, as far as they will go, to the payment of our public liabilities, or for such other dispositions as may be found advisable.

But if the terms of this agreement should be rejected, or so modified by the Government of the United States, as to refuse a recognition of the right of local self-government and our political rights of persons and property, or so as to refuse amnesty for past participation in the war, then it will be our duty to continue the struggle as best we can, however unequal it may be; as it would be better and more honorable to waste our lives and substance in such a contest than to yield both to the mercy of a remorseless conqueror.

I am, with great respect, your Excellency's obedient servant,

JOHN H. REAGAN,
Postmaster-General.

CHAPTER XVI

The President and Cabinet in Retreat

At Charlotte, North Carolina, we received the melancholy information, through General Johnston, of the assassination of President Lincoln. The President and members of the Cabinet, with one accord, greatly regretted the occurrence. We felt that his death was most unfortunate for the people of the Confederacy, because we believed that it would intensify the feeling of hostility in the Northern States against us, and because we believed we could expect better terms from Lincoln than from Johnson, who had shown marked hostility to us, and was especially unfriendly to President Davis.

While at Charlotte, Attorney-General Davis stated to me that his home and valuable city property at Wilmington, North Carolina, were in the possession of the Federal authorities, and that his children, his wife being dead, were with some friends near Charlotte, and without means of support, and that this raised the question with him as to whether he should go on with us or remain and take care of them, and that he wished to confer with me about it. I said to him that I did not see what good he could do by going on with us, and I did not hesitate to say that he ought to remain and take care of his children. He asked me to bring the matter to the attention of the President and the Cabinet, which I did, and with one accord they said he should remain with his children, that he could be of no further service to us as Attorney-General.

While we were at Charlotte the remnants of Hood's brigade, under the command of Maj. W. H. Martin of Texas, came by, and in conversation with him he told me that at the surrender of General Lee a number of blank parole papers had fallen into his hands. At my request he gave me some of them, and later both Senator Wigfall and Secretary Mallory used them in passing the Federal lines. Here again we witnessed the looting of the commissary and quartermaster stores by the citizens.

Before leaving Richmond Mr. Trenholm, the Secretary of the Treasury, became seriously ill. He had been sent to Greensboro, and thence to Charlotte, but he had been unable to participate in the business of the Cabinet. When we left Charlotte he made an effort to travel with us, but after some twenty miles found himself unable to go farther, and resigned his position as Secretary of the Treasury. Thereupon a meeting of the Cabinet was held, in my absence; and after consultation, the President sent for me and requested me to accept the appointment as Secretary of the Treasury *ad interim*. I objected, alleging that I thought some other person ought to be appointed, that my duties as Postmaster-General and as manager of the telegraph would require most of my time. To this he rejoined that there would not be much for the Secretary of the Treasury to do, and that the members of the Cabinet concurred with him in the opinion that I should assume the rôle. On my accepting the appointment, Secretary Trenholm turned over to my charge the money he had in keeping, consisting of seven or eight hundred thousand dollars of what was called our "new issue" of treasury notes, and some eighty thousand dollars in gold, and silver coin and bullion. There was also under our escort the money of the banks of Richmond, the amount of which I did not know.

On our way to Abbeville, South Carolina, President Davis and I, traveling in advance of the others, passed a cabin on the roadside, where a lady was standing in the door. He

turned aside and requested of her a drink of water, which she brought. While he was drinking, a little baby hardly old enough to walk crawled down the steps. The lady asked whether this was not President Davis; and on his answering in the affirmative, she pointed to the little boy and said, "He is named for you." Mr. Davis took a gold coin from his pocket and asked her to keep it for his namesake. It was a foreign piece, and from its size I supposed it to be worth three or four dollars. As we rode off he told me that that was the last coin he had, and that he would not have had it but for the fact that he had never seen another like it and that he had kept it as a pocket-piece.

At Broad River, South Carolina, we stopped on its bank to enjoy a luncheon we had brought along with us, and to take a little rest. While we were there the subject of the condition in which the war left us, came up. The property of Secretary Benjamin, situated in Louisiana, and that of Secretary Breckinridge in Kentucky, was in Federal hands. The fine residence of Secretary Mallory at Pensacola, Florida, had been burned by the enemy. My residence in Texas had been wrecked and partly burned, and my property dissipated except a farm of a few hundred acres and some uncultivated land. After we had joked each other about our fallen fortunes the President took out his pocket-book and showed a few Confederate bills, stating that that constituted his wealth. He added that it was a gratification to him that no member of his Cabinet had made money out of his position. We were all financially wrecked except Secretary Trenholm, whose wealth, we thought, might save him. But it afterward turned out that he too was bankrupt.

As I am here writing of the pecuniary condition of the President and his Cabinet, I ought to mention that when General Grant was moving his forces to turn Vicksburg by going down the west side and crossing to the east bank of the Mississippi River, I was with the President when an officer came to him with the message that in a few days his

Briar Field plantation would be in the hands of the Federals, and that he had better send and have his negroes and other movable property taken to a place of safety. Mr. Davis's reply was, "The President of the Confederacy cannot employ men to take care of his private property." And again when Grant's army had crossed the river and was moving toward the city of Jackson I was present when Mr. Davis was urged to have his library and other private property removed from his hill residence before they fell into the hands of the Federals. His answer was as in the first instance. Thus in his unselfish and patriotic devotion to the cause so dear to his heart he permitted his entire property to be swept away.

When we reached Abbeville we were there joined by the remnants of five brigades of cavalry. The President had a conference with their commanders, and sought to learn of their condition and spirit. And here again we witnessed the raids made on the provisions by the citizens. I was forced to the thought that the line between barbarism and civilization is at times very narrow.

We crossed the Savannah River, very early in the morning, en route for Washington, Georgia, and were informed that Federal cavalry was at that place. After crossing the river we stopped at a farmhouse and got breakfast and had our horses fed. There Secretary Benjamin, who could not comfortably ride horseback, parted from us. With a traveling companion he set out in a wheeled carriage. He told me that only the President and his Cabinet knew his purpose, and that he did not want it made public. I inquired of him where he was going. "To the farthest place from the United States," he announced with emphasis, "if it takes me to the middle of China." He had his trunk in the carriage with his initials, J. P. B., plainly marked on it. I inquired whether that might not betray him. "No," he replied, "there is a Frenchman traveling in the Southern States who has the same initials, and I can speak broken English like a Frenchman." He made his way to London, England.

We found no Federal cavalry at Washington, where we remained a few days. Before reaching that place, General Breckinridge and myself, recognizing the importance of preventing the capture of the President, proposed to him that he put on soldier's clothes, a wool hat and brogan shoes, and take one man with him and go to the coast of Florida, ship to Cuba, and thence by an English vessel to the mouth of the Rio Grande. We proposed to take what troops we still had, to go west, crossing the Chattahoochee between Chattanooga and Atlanta, and the Mississippi River, and to meet him in Texas. His reply to our suggestion was, "I shall not leave Confederate soil while a Confederate regiment is on it."

I might have known his attitude in such a matter, for we had discussed the subject of the Hungarian struggle for liberty and of General Kossuth's visit to the United States, and the resolutions by Congress complimentary to him. The President had said to me, "You may remember that I voted against them." I replied that Judge Scurry, the Representative of the district in which I lived, had also voted against them, and that I had written him a letter complimenting him on his vote. Mr. Davis added, "I voted against those resolutions because I did not believe a brave man or patriot would have abandoned his country with an army of 30,000 men in the field."

I ought to say here that it was now our hope to reach General Kirby Smith before his command was surrendered, and that with his troops and such others as we could take with us and those General Hampton hoped to get across the Mississippi, we might have about 60,000 men, and could move out on the plains where we could not be flanked by railroads or rivers, and hold out until we could get better terms than unconditional surrender.

After some delay at Washington, we induced Mr. Davis to start on south with an escort of ten men, his staff officers and secretary, and to leave General Breckinridge to wind up the business of the War Department, and me to close the

business of the Post Office Department and the Treasury, and to turn over to their agent the money of the Richmond banks. We were then to go on and overtake him. He left Washington in the morning. By midnight we had finished our business and I had delivered the money of the banks to their agent. A little later General Breckinridge came to me and told me he did not wish to be considered as vacillating, but that he had determined to adopt the course we suggested to the President—to take the troops and get across the Mississippi. "General, you cannot do that now," I said. "Since we submitted that plan I have gone among the soldiers at night in citizen's clothes and heard their talk. They are saying the war is over and that they are going home." I added, "I think you will find that you can take only such men as are personally attached to you." He thought he could get them all to go with him. It was then agreed that I should leave that night and overtake the President as soon as possible; and General Breckinridge insisted that I should have an escort. I demurred, but he prevailed, sending me an escort of twelve men.

The escort was instructed to go with me until we overtook the President, and then to turn their course to the northwest and meet the command which would be with Breckinridge. We rode ahead a few hours until we reached a small creek, and while our horses were drinking I told the men that we should have to ride hard to come up with the President; that by that time their horses would be tired; that in turning to the northwest they might fail to meet the Secretary of War, thereby endangering their safety, and that I was safer without an escort than with one not strong enough to fight its way. So I advised them to return to Washington. They objected, saying that their orders were to go with me until we should meet the President. I replied that I understood their orders, but that it was better for them and safer for me that they should return. They finally agreed, requesting, however, a written statement; but neither paper, pencil, nor

pen was to be had. So I told them to take my compliments to the Secretary of War and tell him that I required them to return.

When we left Abbeville, the President and his Cabinet and the members of his staff went in advance of the cavalry. The money of the Confederacy and of the banks of Richmond was carried under their escort, the Secretary of War remaining with them. After they crossed the Savannah River and camped, before reaching Washington, the cavalry, knowing that they were guarding money, demanded a portion of it. There was understood to be about $25,000 in silver, about $36,000 in silver bullion, besides about $700,000 in Confederate notes and a small amount of gold. The Secretary of War told me that after he reached Washington the cavalry demanded that the silver and gold coin, equal to the amount of the silver bullion, should be divided among them, and that he and the officers commanding them found it necessary to yield or to risk their forcibly seizing it. He also told me, and I learned this from others also, that this money was divided among them, each one getting a few dollars, I forget how many, the officers receiving the same amount as the men.

On the evening of the day we reached Washington, I called on General Toombs and his family. After some conversation he invited me into a separate room, and inquired whether I had money. I told him I had enough to take me to the west of the Mississippi. He inquired whether I was well mounted. I replied that I had one of the best saddle horses in the country. He added: "I am at home and can command what I want, and if you need anything, I can supply you," for which I thanked him. He then asked if President Davis had money. My answer was that he had not, but that I had enough to take us both beyond the Mississippi. Then he wanted to know whether Mr. Davis was well mounted. I replied that he had his fine bay horse, Kentucky, and that General Lee had sent to him at Greensboro, by his son Robert, his gray war horse, Traveler, as a present, so that he had two first-class horses.

After a moment, General Toombs observed, "Mr. Davis and I have had a quarrel, but we have none now; and under the terms agreed to between Johnston and Sherman he is entitled to go anywhere he pleases between here and the Chattahoochee River, and I want you to say to him that my men are around me here, and that if he desires it I will call them together and see him safely across the Chattahoochee River at the risk of my life." I was much impressed with so noble a sentiment, because it was so different from the conduct of some others who had pretended to be the President's close friends, and who were then getting away as far as they could from him, and were base enough to malign him, no doubt with the hope that such abuse would secure them the favor of our enemy.

On my return to the hotel I delivered General Toombs's message to the President. Mr. Davis responded warmly, "That is like Toombs; he always was a whole-souled man—if it were necessary, I should not hesitate to accept his offer." This was the interchange of feeling of two noble patriots in the hour of misfortune.

Perhaps in this connection I ought to explain General Toombs's reference to a quarrel between them. He had been appointed Secretary of State by Mr. Davis. He preferred, however, giving up that position and entering the military service; and was appointed a brigadier-general by the President. He afterward sought promotion to the rank of major-general. I had gone twice to Mr. Davis to urge his promotion; but the President, while speaking kindly of General Toombs, said he had in no case made a promotion against the objection of superior officers; adding that both General Lee and General Magruder objected to his advancement.

When General Toombs spoke of the quarrel I felt a strong desire to disclose to him why he had not been promoted, but hesitated to do so because this would have been to transfer the quarrel from Mr. Davis to Generals Lee and

Magruder. I saw General Toombs twice afterward, and both times I felt a wish to disabuse his mind as to the President, and now regret that I did not do so.

Before the President left Washington, upon consultation with the Cabinet, it was determined that I should turn over the remaining part of the Confederate gold to a Mr. Semple, a bonded officer of the Navy, and his assistant, Mr. Titball, who were to conceal it under the false bottom of a carriage and to take it to Charleston, Savannah, or to some other point on the coast, and ship it to Bermuda, Nassau, or to our agent in England, for account of the Confederate Government. Before this shipment was made, by an understanding between the President and Cabinet, I directed the Treasurer to pay out a portion of the money to a number of officers, and possibly to others, which was done.*

The President, as I learned after coming up with him again, expected me to bring along the Confederate paper money. But as it was packed in large boxes, and I had no means of securing its transportation, I was unwilling that it should fall into improper hands, and, after conferring with and securing the approval of the Secretary of War, I ordered this money brought to my hotel, and, having caused a good wood fire to be made in a wide fire-place, directed the Acting Treasurer to burn it, which he did under protest. The last I saw of the silver bullion, said to amount to about $36,000, a Confederate commissary by the name of Moses was having it thrown from a wagon into an open warehouse on the square in Washington. From the newspaper accounts which I saw while in prison, it appeared that the Federal authorities got possession of it.

On my way to overtake the President and his party I passed Double Wells, Georgia, in the gray light of the morning. I had been told that a regiment of Federal cavalry was there, but saw none. After going some distance farther I

*An account of this is shown on pages 320, 321 of a publication entitled *The Confederate Soldier in the Civil War.*

made inquiry at several houses as to whether I could get breakfast and feed for my horse; but was told that they were unable to comply with my request. Toward ten o'clock I learned that there was a widow on ahead who would give me breakfast and have my horse fed. When I reached the place she kindly consented to supply my need. While breakfast was being prepared, she manifested a disposition to learn who I was, and at the table asked me where I was from. I told her that I was from Virginia, and that I had heard there was a good country for grazing stock in southwest Georgia and I thought I would take a look at it. I at once discovered that she was a strong Confederate. She advised me that there was a regiment of Federal cavalry at a town some ten miles farther on, and assisted me in making a diagram of the road so that I might pass around it. I did not follow the diagram, but rode on through the town and saw no cavalry. During the afternoon of that day I found Governor Lubbock and Col. William Preston Johnston at a shop getting their horses shod. They informed me that the President and his party were about half a mile away, on another road.

From that place we moved on south to the Oconee River, and encamped on the east bank. During the evening, Colonel Johnston and another man, having walked down to the ferry, heard some men describing a wagon train which was moving across the country, some twenty miles to the left of our course, which they spoke of as a quartermaster's or commissary train, and which they understood was to be robbed that night by some disbanded soldiers. From the description, Colonel Johnston knew it to be that of Mrs. Davis, the wife of the President. Mr. Davis had not seen her since she left Richmond, and had not known where she was for some time. When he received this information he ordered and mounted his horse, addressing himself to those with him, "This move will probably cause me to be captured or killed. I do not feel that you are bound to go with me, but I must protect my family."

The entire company went along. The roads we had to travel for the most part were dim and tortuous, and it was near morning when we reached Mrs. Davis's camp. A Confederate captain from Vicksburg, Mississippi, and a Confederate lieutenant from Texas were acting as an escort for her and family. We met two or three men in the road near the camp, who were interrogated by the President; from others at the camp we learned that some persons had been seen around the camp during the night; but nothing alarming had been attempted.

That day we crossed the Oconee River, and after a short drive camped for the night. Feeling that the danger to his family had passed, the next morning Mr. Davis and I, and the members of his staff and his secretary, left Mrs. Davis and did not expect to see her again soon. But it rained a good deal during the day, and we lost our way, and an hour or so before night we met Mrs. Davis's company at a fork of the road, near the Ocmulgee River. She had gone directly through, while we had lost our way; hence the meeting.

We knew that there were three thousand Federal cavalry at Hawkinsville, twenty-five miles above where we were to cross the Ocmulgee, and as we had to cross at a ferry—the river not being fordable—we expected that if this cavalry knew of our movements we should have trouble at the river. We crossed, however, without interruption, and camped at an old village called Abbeville. The next day we traveled in company with Mrs. Davis about twenty-eight miles, and camped near a small creek in the level pine woods, a mile or two from Irwinsville. The President notified us to be ready to move on that night, the family to be left behind. Information in some way subsequently got to us that some traitor had gone from Abbeville and reported our being there to the military at Hawkinsville. The day we reached our camp near Irwinsville, Colonel Pritchard, with a regi-

ment of cavalry, passed along a road which paralleled the one we were on, to the left of us, and got into Irwinsville in advance of us.

For some reason the President did not call for us that night, though we sat up until pretty late. Under cover of the darkness, Colonel Pritchard moved to where we were, and posted one battalion in front of us, and another across the creek in our rear. About dawn, an Iowa battalion, in pursuit of us, came in sight of the Federals in our rear, and each took the other, in the dimness of the morning, for Confederates. Both battalions were armed with repeating rifles, and a rapid fusillade occurred between them. One or two were killed and a few wounded. When this firing occurred the troops in our front galloped upon us. The major of the regiment reached the place where I and the members of the President's staff were camped, about one hundred yards from where the President and his family had their tents. When he approached me I was watching a struggle between two Federal soldiers and Governor Lubbock. They were trying to get his horse and saddle bags away from him and he was holding on to them and refusing to give them up; they threatened to shoot him if he did not, and he replied (he was not as good a Presbyterian then as he is now) that they might shoot and be damned, but that they should not rob him while he was alive and looking on.

I had my revolver cocked and in my hand, waiting to see if the shooting was to begin. Just at this juncture the major rode up, the men contending with Lubbock disappeared, and the major asked if I had any arms. I drew my revolver from under the skirt of my coat and said to him, "I have this." He observed that he supposed I had better give it to him. I knew that they were too many for us and surrendered my pistol. I asked him then if he had not better stop the firing across the creek. He inquired whether it was not our men. I told him that it could not be; that I did not know of an armed Confederate within a hundred miles of us

except our little escort of half a dozen men, and that they were not then with us. We learned afterward that they, or the most of them, had been captured at Irwinsville. The major rode across the creek and put an end to the skirmish.

When the firing began, President Davis afterward told me, he supposed it to be the work of the men who were to rob Mrs. Davis's train. So he remarked to his wife, "Those men have attacked us at last; I will go out and see if I cannot stop the firing; surely I will have some authority with the Confederates." Upon going to the tent door, however, he saw the blue-coats, and turned to his wife with the words, "The Federal cavalry are upon us."

He was made a prisoner of war. As one of the means of making the Confederate cause odious, the foolish and wicked charge was made that he was captured in woman's clothes; and his portrait, showing him in petticoats, was afterward placarded generally in show cases and public places in the North. He was also pictured as having bags of gold on him when captured. This charge of his being arrested in woman's clothes is disproven by the circumstances attending his capture. The suddenness of the unexpected attack of the enemy allowed no time for a change of clothes. I saw him a few minutes after his surrender, wearing his accustomed suit of Confederate gray, with his boots and hat on, and I have elsewhere shown that he had no money.

After our capture we were taken by the way of Macon, Atlanta, and Augusta to Savannah. On the morning of the day we arrived at Macon, while I and the President's staff were taking an humble breakfast, sitting on the ground, Colonel Pritchard came by where we were, and I said to him that I understood we were to reach Macon that morning, that I had not changed my clothing for some time, and requested some clothes which I had in my saddle bags, taken from me when we were captured.

"We have not got your saddle bags," he answered me.

"I am sorry to hear you say that, Colonel," I retorted; "for I know you have them."

He asked me how I knew that.

"Because your officers told me of your examining their contents the night after our capture," I answered; "and named correctly what was in them."

With some temper he questioned, "Who told you so?"

"Your officers."

"What officers?"

"Since you question the fact," I said, "I will not put them in your power by giving their names." Then I added, "It does not look well for a colonel of cavalry in the United States Army to steal clothes."

"Sir," he said, "I will put you in irons."

"You have the power to do so," I replied, "but it will not make you a gentleman or a man of truth."

He walked off as if intending to execute his threat, but I heard no more of it.

When we reached Macon, we were taken to the headquarters of General Wilson, which was a large building that had been used as a hotel. General Wilson invited President Davis, his staff, and myself to dine with him, treating us with courtesy. After dinner I learned that orders had been received to send to Washington President Davis and Senator Clay, who had voluntarily surrendered after President Johnson's proclamation implicating him in the assassination of President Lincoln; and that I and the others with us were to remain at Macon. I called on General Wilson and inquired as to the correctness of this report, and received an affirmative answer. I thereupon observed that President Davis was much worn down, and that, as I was the only member of his political family with him, I might be of some service to him, and requested to have the order so changed as to send me on with him. He asked me if I was aware that this might involve me in danger. I told him I had considered that; that we had entered the contest together, and that I was willing to end it with him, whatever that end might be. He observed that mine was a queer request, but

that he would ask that it be granted. In two or three hours he notified us that the first order had been changed, and that all of us would be sent to Hampton Roads. At Augusta we were joined by Vice-President Stephens and General Wheeler, who had also been arrested. At Savannah we were all placed on a sternwheel steamer for the trip to Hampton Roads.

Shortly after reaching there, Vice-President Stephens and I received notice that we were to go to Fort Warren, in Boston harbor. We were placed on the man-of-war *Tuscarora,* the commander of which treated us as if we had been invited guests. Our ship reached Fort Warren early one forenoon, and we were taken separately into the fort and placed in what was called the lower tier of officers' quarters, though no officers had occupied the rooms assigned to us. The overhead ceiling of my room was about on a level with the parade grounds; and the light and air we got came down between the wall of the building and the wall of the parade ground, about six feet from the house. Two windows made secure by cross-bars of iron faced the space between these walls. There was no ventilation except through these. The walls and floor of these rooms were of stone, and there was a thick mass of stone masonry, cement, and earth above them; so that the places we occupied were damp and more like caves than rooms.

I was taken to my room about ten o'clock in the morning by an officer of the fort, and was told that I must give him what weapons of offense or defense, and what money I had. I turned over to him about two thousand dollars in gold, remarking that as I had only a pocket knife and was a great whittler that I presumed I might be allowed to keep my knife for company. He said he feared not. I added that I had taken a pretty good survey of the situation as I came in, and saw that I passed through two heavy barred and bolted gates, that there appeared to be a strong garrison in the fort, that the fort was about four miles from land, and that I did

not think I would attack the garrison with my little congress knife. This brought him to a laugh, and I was allowed to keep it. Subsequently this officer brought a sergeant into my room and gave him his instructions, no doubt for my observance, that he was to make fires, bring water, and attend to such matters as were necessary about my room, but that he was not to ask or answer questions about anything else; at the same time he informed me that my rations would be so many ounces of bread and so many ounces of meat a day. I inquired why he made that statement. He said he was instructed to do so by the commander of the post. I asked him if this meant that I was to have no vegetables, or milk or coffee; and he replied that he supposed it did.

About two or three o'clock this sergeant came into my room with a tin plate and a piece of dark-looking bread and a darker looking piece of meat, and, placing them on a little pine table, said, "Here is your day's rations." I was reading a newspaper and made no response, for I had made up my mind that nothing should cause me to complain. I let it set there. And about the same time the next day the sergeant brought and set on the little table another plate just like the first. I took no notice of it and let it set there also. I did not intend to starve myself to death, but I intended to see how long I could live without eating; for I felt that the purpose of it was to insult me. On the next morning the officer inquired whether I was sick. I told him I was well, and said, "You have my money, can I not buy something fit to eat?" He replied that he supposed not; but added that he would see the post commander. He returned in an hour or so with the message that I could order my meals by the sergeant from the post quartermaster, who furnished meals to the officers, and that every Saturday I could draw on the commissary of prisoners, who had my money, to pay for my week's board. He told me I could order any necessaries, but no luxuries. I asked him to explain what were

necessaries so that I might conform to the order. After proceeding a little, I told him he might stop, as I did not want luxuries.

On account of the feeble condition of Vice-President Stephens, I inquired of the officer whether he was in a room like mine, for I feared if he were he could not live long. The officer shook his head, remarking that he was not permitted to answer questions. Vice-President Stephens and I were allowed to walk out on the walls of the fort accompanied by an officer, for half an hour each day, when the weather was good, but never together, and we were not permitted to communicate with others. In taking my walk I passed by the window of Mr. Stephens's room, and from hearing me talk with the officer he learned about the time of day I went out, and placing himself at the window of his room, he hailed me as I went by. I made inquiry as to his health, and after a few words passed on. A First Lieutenant Woodman was my escort. He seemed to be looking somewhere else and took no notice of our greeting. Every day after that, Mr. Stephens would draw himself up to the window to let me know that he was still alive. He was so frail that he was soon afterward removed to a dry, well-ventilated room. He could not have lived much longer where he was. Lieutenant Woodman took no notice of our hasty talks as I passed him, and in other ways showed that he was a very humane man.

At the end of three months President Johnson sent a telegram authorizing Mr. Stephens and me to have our meals together, and giving us the liberty of the post between reveille and retreat, when there were no visitors on the island.

CHAPTER XVII

Looking to the Future

On the 28th of May, while in solitary confinement at Fort Warren, Boston Harbor, with no opportunity of consulting any one, and without being able to refer to books or papers, as there was only a Bible in my cell, I addressed a long letter to President Andrew Johnson on a subject of great public importance. The war was ended, so far as armed resistance by the Confederacy was concerned; the worn and wounded soldiers of the gray had returned to their homes, having accepted the final decision of arms, and were making the best of the hard conditions which met them on every hand. There were, however, a few hundred civil and military officers locked in the prisons of the North and threatened with prosecutions for high crimes against the Government of the United States. It was not because of the fact that I was one of those so imprisoned and threatened with punishment that I wrote, but because I was eager to see the war end at this point, foreseeing the lamentable possibilities behind the demand which was being made in the North for victims, for confiscation of the properties of those of the South engaged in the war, and for the disfranchisement of the whites with a counter elevation of the slaves to all the dignities of citizenship. I greatly feared military government and felt that if the President could be brought to realize the situation it was in his power to save us from these evils which seemed to me dismally foreboding.

I traced briefly the historical development of the vital issues which were at the bottom of the struggle, proving, in my own mind, that those of the South engaged in the war

were not rebels, nor traitors, but men fighting for the Constitution made by our Revolutionary forefathers. And was this a crime? I held that for only two reasons could punishments be inflicted. The first, to confine or put out of the way a person or persons supposed to be dangerous to the welfare of the country; the second, to exert a restraining influence on the conduct of others. Neither of these conditions, I maintained, was present; the existing state of the late Confederacy was such as to render all of these precautions unnecessary and unwise, not to say harsh and despotic. My plan, it happened, was followed in part by the Government, though oppressive and cruel persecutions, imprisonments and military governments came in due season with their trains of crime.*

On the 11th of August, 1865, while still in prison, I wrote what is known as my Fort Warren letter, addressed to the people of Texas, and sent it with the assistance of the United States military authorities to the Hon. A. J. Hamilton, then Governor of Texas by military appointment, requesting that it be given to the public. Having been a member of Congress during the four years preceding the war, and connected with the administration of the Confederate Government during the war, and knowing something of the conditions which would be insisted on for the restoration of the Southern States to the Union, and remembering at the same time the hostile policy which had driven the South to secession, and the great sacrifices of the brave men and of the enormous property interests of the South, and knowing the profound conviction of the Southern people of the wrong which had been done them, and how difficult it was under such conditions for people to control their resentment, and to consider questions of making concessions as conditions of peace, and as it had been my fortune to have to combat strong prejudices on the part of the public in more than one

*For those who may be interested in it, I give my letter in full, Appendix B.

instance in the past, which met their subsequent approval—I determined to point out to our people at home the demands which I knew would be made of them, as a condition to the rehabilitation of the Southern States, and to advise them to make such concessions as we would inevitably be required to make, as the only means of avoiding the establishment of military government in the South and to save us from universal negro suffrage.

This letter met the approval of many of the ablest men in both the North and the South; Senator Henry Wilson of Massachusetts, who had been the chairman of the military committee of the Senate during the war, told me he had read my letter to the people of Texas, and authorized me on my return home to say to the people that if they would adopt the policies suggested in it, he would advocate it in the Senate, and would add to it that no one should be punished for his participation in the war. The Hon. Charles O'Connor, the great lawyer of New York, said to me, "You know I do not believe negroes should become citizens or be permitted to vote, but if you people do not give them the protection of the law and a qualified right to vote, military government and universal negro suffrage will be forced on you." President Johnson, Secretary of State Seward, and Attorney-General Speed all expressed their strong approval of my letter, and urged me on my return to Texas to get that State to lead off in that line of policy, as the only means of avoiding military governments, which they declared would be abnormal, and would endanger civil liberty, North as well as South. General Hampton of South Carolina, and many other distinguished men, in both sections, expressed their approval of my letter.

On my return home I found that the people misunderstood the spirit and purpose of my letter, and that they were not in condition to reason on the subject, and I had to abandon the idea of trying to induce them to make such concessions

as it was practically certain would have saved them from both military government and universal negro suffrage.*

In October Mr. Stephens and I were liberated from prison. The commissary returned to me what remained of my money, and we spent two or three days in Boston renewing our wardrobes. My parole authorized me to return to Texas, but required me to report to the commanding officer wherever I might be until further orders. I spent a few days in New York City, partly on business, but mainly awaiting authority from Washington to enable me to see Secretary Mallory, who was still in prison at Fort Hamilton. This came in due season and I had a very pleasant meeting with my old associate. While in New York I called to see Charles O'Connor, the great lawyer, who had been engaged to defend President Davis, in order to confer with him about that defense. It was while I was with him at this time that he made reference to what was known as my Fort Warren letter, already alluded to. At the same time, Senator Wilson of Massachusetts called on me at my hotel, and it was then that he used the expressions which I have noted relative to the letter.

When I reached Washington I called on President Johnson for the purpose of securing an enlargement of the terms of my parole, so as to enable me to look for some boxes which I sent from Richmond before its evacuation, containing clothing, a number of valuable books and other private property; and also to request the return to me of the printed copies of my official reports as Postmaster-General of the Confederacy, for copies of the opinions I had given to President Davis in writing—all of which were taken from me when I was captured, and a number of notes of hand which had been given to me for borrowed money, amounting to some $4,000. After his observation that many changes had taken place since we last met, he told me he would look

*This letter is given in Appendix C.

into the matter of my requests and for me to call the next morning and he would give me an answer.

Among other matters to which I called the President's attention, I requested the release of Governor Lubbock of Texas, from prison. He observed that there was a charge of murder against the Governor. I replied that while I had not been able to see or confer with Governor Lubbock, I knew him so well that in his name and behalf, if that was the cause for his confinement, I asked for him a trial; I felt sure that he was a man who would not be a party to the commission of murder. I understood in the conversation that the charge grew out of the hanging of some men in the neighborhood of Gainesville, Texas, who were evading or resisting the law of conscription, and were understood to be disloyal to the Confederacy. A feud had grown up there out of which had come some violations of the law. The most serious thing was the murder of Col. James Borland, a leading citizen of that country, by that disloyal class of men.

The next morning—I had no special appointment with the President—the ante-room of his office was full of visiting people; and to avoid having to wait for my turn I went directly to the Secretary of War, the Hon. Edwin M. Stanton. In a short time he came out and invited me into his office. As we passed in, to cut short an unpleasant mission, I told him I supposed I was not in a position to ask favors of the Federal Government, but that my call was to request the return to me of the papers above mentioned, and to ask for an extension of the terms of my parole, which would enable me to look up some boxes containing private property; and another containing my family silver-plate. I feared I might be regarded as violating my parole by looking up this property. He met me very kindly and told me they had the documents and papers I referred to, and that they had been labeled and filed in the Department. He sent the Assistant Secretary of War for the notes for the money loaned and gave them to me. He also said that my reports

and the opinions I had given the President would be preserved and printed, and that I could get them in that way. He observed that two of my papers had been read in the Cabinet with especial interest and that they might wish to look at them again. On my asking what papers he referred to, he said my letter to President Davis about the campaign of 1863 and the opinion given him about the negotiations between General Sherman and General Johnston. I said to him that when he read my letter to the President about the campaign of 1863, I did not know but that he might convict me of being a general besides all my other offenses.

He then stated that their Cabinet had been divided in opinion as to whether General Grant should be allowed to go round Vicksburg by crossing the Mississippi River to the east side, and that they had held him back two or three weeks. He said that he and President Lincoln were among those who doubted the policy of the movement, because they expected the Confederate Government to adopt the plan I had urged upon the Cabinet. He said, "If your Government had accepted the policy recommended by you, the war would have lasted much longer." He wrote out himself an extension of my parole, authorizing me to go to any State or place I pleased, but requiring me to report to the commanding officer of the Department where I might be.

While at Washington, I endeavored to get authority to visit President Davis in his prison at Fortress Monroe, but this was denied me. On my way south I spent some days at Richmond, Virginia, with pleasant renewals of acquaintance, meeting many of the public men there, and finding them divided in opinion as to the policy indicated in my Fort Warren letter.

On my arrival at Richmond, en route to my home in Texas, I addressed a letter to Maj. George W. White, who had been reared in the town with President Johnson and was his friend. He was at this time living with the President, and I ought to say that when I was in Washington I had got access to the President through him. Before the war he had

been a citizen of Austin, Texas, where we became acquaintances and friends. On account of his relations with the President and with me, I adopted this method of reaching the Executive with the facts and reasons stated in that letter. White, when at Austin, was the law partner of Judge Oldham. The two prepared Oldham and White's *Digest of the Laws of Texas.*

The purpose of my letter was to aid in securing the release of President Davis from prison. I urged that the welfare of the whole country would be subserved by setting him free without a trial; for the South it would be a signal that harsh and vindictive measures were to be relaxed; and for the North it would indicate that they were willing to let the decision of the right of secession rest where it was and not try to secure a judicial verdict. To Mr. White I urged that the war had passed judgment and that hereafter secession would mean rebellion; and that if Mr. Davis was brought to trial before a civil court, an impartial jury might render a decision against the Government, which would only intensify matters. I had felt all along that the Government would not venture upon a trial of the merits of the secession case—and so it turned out.*

I met General Pemberton on the train at Greensboro, North Carolina, and we were seated together. In conversation it turned out that we both were going to Columbia, South Carolina, to see Mr. Trenholm, who had been Secretary of the Treasury of the Confederacy. General Pemberton told me his object was to see whether Mr. Trenholm could lend him money to enable him to rent a farm so that he might support his wife and children. I asked if he understood farming. He said no, that he had no experience as a farmer, and added that he had no profession but that of an engineer, in which he had no opportunity of engaging. I knew how painfully he must feel under such circumstances. Realizing his situation, and feeling deeply for him,

*For my letter to Mr. White, see Appendix D.

I recurred to what I had heard of his people. I observed after a pause that I understood his family in Philadelphia were wealthy, and asked if they knew of his condition. He said they did not, and that they never should know it from him.

General Pemberton was a native of Pennsylvania and had been a major in the Regular Army of the United States at the commencement of the war. He believed that the people of the South were right in their contention, and tendered his services to the Confederacy. I was told by President Davis that the mother of General Pemberton, who resided in Philadelphia and who was a lady of considerable wealth, objected to her son's going to the support of the Confederate cause. When he told her that he was a military man and liable for duty and that he could not afford to risk his life in an unjust cause, he was informed that if he went to the Confederacy he would be disinherited. He expressed his sorrow at not being able to conform to her wishes, but cast his lot with the cause he believed to be right. He was made a lieutenant-colonel of artillery in the Regular Army of the Confederacy. He was afterward promoted until he became lieutenant-general, and was in command at Vicksburg, Mississippi, during the siege and at the surrender of that important point.

Because of that surrender he was severely criticised by many, and some persons expressed their doubt of his fidelity to the Confederate cause. After his exchange as a prisoner of war I was with Mr. Davis when he reported for duty. He said to the President that because of his surrender at Vicksburg his usefulness in high command was destroyed, and he tendered his resignation as a lieutenant-general and asked to be assigned to duty in his line rank of lieutenant-colonel of artillery. The President, with expressions indicating his strong and continued confidence in him, accepted his resignation and ordered him to service in his line rank.

In this connection I cannot refrain from relating an incident. In 1864 General Butler made an attack on

Richmond by way of the Williamsburg road with a considerable force and four batteries of artillery. Hearing rapid firing in that direction, Col. William Preston Johnston, of the President's staff, and I rode out to where the fighting was in progress. The enemy's shells were then reaching the suburbs of Richmond. When we got out near our fortified line, we saw General Pemberton standing on the earthworks where they crossed the Williamsburg road, directing the operations of the force defending the city. The Federal batteries were not much over a quarter of a mile from our line of works, and the bombardment from these four batteries was so rapid and furious that it did not seem possible that one could live exposed to it without protection. We felt surprised at General Pemberton's being so exposed to the enemy's fire; and our speculation was that the criticisms of his surrender at Vicksburg had so wrought on his mind that he was seeking death on the battlefield. At that time this brave, self-sacrificing and patriotic man was living under the censure of many people he had made so great a sacrifice to serve, and whom he had indeed served with much ability and courage. I feel that this statement is due to his memory. President Davis, too, in his masterly work, *The Rise and Fall of the Confederate Government,* shows the great respect and confidence he had for General Pemberton.

From Columbia I went to Augusta, Georgia, in search of the boxes I had sent from Richmond, and found that the man in whose building they had been stored had turned them over to the Federal authorities when the military occupied that city. Among other things they contained my files of letters, and my letter-books, which covered all my correspondence during the war. I have not been able to recover them, though I used my best efforts to that end. They are undoubtedly in the possession of the Federal Government; this is shown by the fact that some of the things these boxes contained are in the War Department.

The chest containing my family silver-plate was sent to the care of our revenue officer at Columbia, South Carolina, before I left Richmond, and was by him sent for safety to Greenville, South Carolina, and left in charge of a hotel keeper there. The box and the mahogany chest in it which contained my silverware had been broken into and all the smaller articles taken out. The others I sent home.

At Augusta, Georgia, I met Vice-President Stephens. While we were prisoners he had read my Fort Warren letter and expressed strong approval of it. In going on the train together out to his home, I mentioned that I had seen nothing from him on that subject. He replied that he was being talked of for the Senate of the United States, and that he had thought it best for him not to discuss the matter. On my way home, at New Orleans, at Galveston, and at Houston, nothing was said to me about my Fort Warren letter until I met Governor J. W. Henderson. I felt that regard for my feelings had prevented the expression of their disapproval, and when Governor Henderson inquired of me if anything had been said to me about it, I replied in the negative. "My friend," he remarked, "you had as well understand its meaning, for, so far as I know, every man in Texas who expects to be a candidate for anything from governor to constable seems to regard it as his duty to denounce you morning, noon and night, under the supposition that while in prison you weakened in your devotion to the South and had come out for negro suffrage." At Huntsville, Crockett, and my home, Palestine, when I met acquaintances, they expressed themselves as glad to see me again, but were sorry I had written my Fort Warren letter. I saw at once that it was useless for me to think of engaging in a canvass in favor of the policy advocated in that letter, as I could expect only antagonism from the people.

My home in Palestine being wrecked, I went with my motherless children to my Fort Houston farm to try to support them by tilling the soil. I could not practice law, for the people were too much impoverished to pay lawyer's

"Fort Houston," the home of Judge John H. Reagan, near Palestine, Texas

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fees; and I employed myself in managing my farm for about two years before again engaging in the practice of my profession.

On May 31, 1865, I was married to Miss Molly Ford Taylor, daughter of Mr. John F. and Mrs. Rebecca Walker Taylor. Five children were born of our marriage, three of whom are still living; and their mother has been indeed a blessing to me.

In the summer of 1866 I drove my wagon into town with some farm tools for repairs, and saw Gen. John B. Hood on the public square. We had been good friends, and I wanted to show him the courtesy due to our former relations; but felt much embarrassed because I did not have a house fit to take him to. But with this feeling of embarrassment I went to him, expressed my gratification at meeting him, and told him I would like to extend to him the hospitality of my home, if I had a respectable one. "Well," he said promptly, "I am going anyhow." He spent several days with me, during which time we discussed a number of subjects of mutual interest; and among others his last campaign in Tennessee, in which he showed to my satisfaction that it was the only military move then available, but that success was circumvented by high water in the Tennessee River, which prevented the crossing of it at Gunter's Landing, making it necessary for him to march down the river to a bridge at Decatur, some fifty miles. This prevented his reaching Nashville before General Thomas occupied the city; and because of the failure of a part of his army to attack in flank a moving column of Federals at Spring Hill, that battle was lost.

CHAPTER XVIII

Reconstruction and After

The Federal Government, having been successful in the war between the States, was master of the situation; and under the laws of war assumed the duty of reorganizing the States of the Confederacy.

After the death of President Lincoln, Andrew Johnson, the Vice-President, became clothed with the powers and charged with the duties of President of the United States; and entered upon the work of maintaining the authority of the Government, and of attempting to secure the restoration of the States which had seceded to their proper place in the Union, with their constitutional rights as States and their proper representation in the Federal Government. In this he believed he was carrying out the policy contemplated by President Lincoln; and to this end he issued such proclamations and orders as he believed to be necessary (and within the purview of Executive authority) for reconstructing the States, providing for the calling of State conventions, the election of State officers, of Senators and Representatives to Congress, and for the enforcement of the provisions of the amendments to the Constitution in relation to the rights of the freed people. In these proclamations he declared the war at an end, alleging that the people of the Southern States had accepted its results.

This humane policy did not meet the approval of the more radical portion of the Republican party, and was not as fully conformed to in all respects by the seceded States as he expected. More violent measures of reconstruction were adopted by the radicals, and the impeachment of the Presi-

dent was attempted. The Southern States and people became the victims and sufferers from the conflict between the policy of the President and that of the Congress.

By reference to my letter to the President* it will be seen that the general policy of Reconstruction suggested by it was covered by the plan which the President attempted to carry into effect.

At the close of the struggle the people of the South were willing to accept the legitimate results of the war, but the Federal Government sought more than the rehabilitation of the States and their restoration to the Union. The plan of Reconstruction adopted by Congress in opposition to the policy of the President involved the making of the Southern States into military districts; the establishing of military governments; the suspending of the writ of *habeas corpus,* so that the people had no law or lawful protection of life, person or property. The Southern people were subject to the orders of military commanders; they were liable to arrest at the instigation of military officers without knowing for what they were arrested, and with no affidavit, information, or indictment charging the commission of a crime, and without a lawful warrant; and they were denied the right of trial by jury and subject to a drumhead court martial, and to punishment, without the possibility of protection against oppressive and illegal acts. Added to this was the disfranchisement of most of the white people of the South, including all who had acquired by experience some knowledge and fitness for devising measures for the promotion of the public welfare; at the same time the former slaves were enfranchised and given all the rights of citizens.

The controlling purpose of this cruel policy was, in addition to the complete subjugation and humiliation of the Southern people, to coerce them into the acceptance of the policy and political opinions of the Republican party. One of the expedients to this end, besides the foregoing, was

*See Appendix B.

to organize what were known as "Loyal Legions," composed of negroes, carpetbaggers, scalawags and camp followers—a combination of the lowest classes of human beings, in which hostility to the whites was encouraged, and cruel venality and corruption the chief business of these associations. In addition, some officers of the Army and many persons connected with the Treasury Department, robbed and plundered the white people in the most unscrupulous manner.

Such was the condition of the people who had exhausted all their means in carrying on the greatest war of modern times; many thousands of whose bravest and best men had fallen in battle or died in the hospitals. Others had returned to their wrecked homes, suffering from wounds or diseases, to find such members of their families as had survived the war, in poverty and distress, all civil government denied them, all public enterprises arrested, and all industry paralyzed. During this period of terrible trial, lasting about four years, any Southern man who was base enough, or weak enough, to turn against his own people and profess belief in the policies of the Republican party was at once received into full fellowship in it, and was apt to be honored by appointment to some official position. For the honor of human nature, be it said, few such were found.

It is pleasant to turn from the contemplation of this horrid and unspeakable picture to consider the progress which has been made by the Southern people since the period of Reconstruction. They have reorganized society, reestablished their industries, reconstituted their State governments, paid off a large amount of the State and municipal debts created by the negro and carpetbag governments during Reconstruction, passed and successfully administered good systems of laws, giving the fullest protection and security to the lives, persons, property and liberty of the people; and have achieved a condition of general prosperity which is a surprise to themselves and to all others. They have done more

and better than this. While accepting in good faith the necessary results of the war, they have successfully resisted all temptation for the sacrifice of their conscientious political convictions, and, under the severest test which could have been devised, they have given the most conclusive evidence of their devotion to the cause of civil liberty, and of their capacity for constitutional and local self-government.

In writing this chapter I have felt that in stating certain great historical truths I may, in the minds of some, be thought to be calling into view facts calculated to renew the prejudices of the war. I hope none will so construe my motives. I have by my own course given the best evidence I could of my acceptance of the results of the war. And more than this, in the recent war with Spain, I gave the two sons who were with me, and my only grandson old enough, to service in the Army of the United States; one son was a lieutenant in an infantry regiment, the other a lieutenant in the volunteer regiment of engineers; and my grandson a captain of infantry, who later for two years commanded a company of infantry in the Philippine Islands. My youngest son is now a lieutenant of cavalry serving in a regiment in the Philippines

But while faithful to my allegiance and to my duty to the United States, I intend to be equally faithful to those facts of history which show that the late Confederates were not rebels nor traitors; and that in their attempt to withdraw from the Union they were guided and animated by the purest and most exalted patriotism, and justified in their action by the Constitution of the United States.

During the summer of 1866, on returning to my home at Palestine, Texas, I was called on by a committee to deliver an address. I inquired what they wanted me to talk about. While they hesitated to reply, an old friend, Eli Bailey, stepped up and said, "The committee is too modest to tell you what they want. It is an explanation of your Fort Warren letter." To this I replied, "Then I need not speak;

the letter explains itself; and if I had to speak for your liberty and my life, I would repeat that letter without change."

About this time General Griffin, then in command of what was called the Department of Texas, with headquarters at Galveston, sent one of his staff officers to inquire whether I would accept the appointment as Governor of Texas. The officer found me in the field plowing. I asked what I had done to cause General Griffin to suppose I could accept such a position. He said, "General Griffin thinks you are a conservative man, and that you may aid in the restoration and preservation of good order in the State." I told him to take my compliments to General Griffin, with my thanks for the proposed honor, but that I could never be Governor of Texas except as the choice of the people of the State.

On the 12th of September, 1866, I suspended work on my farm long enough to write an open letter to Governor Throckmorton of Texas, the State legislature being then in session, calling attention to the fact that I had written to the people of Texas from Fort Warren in 1865, pointing out to them in substance that the Federal Government would require, as conditions precedent to the rehabilitation of the State and the admission of our members to seats in Congress, that we should give up our claim of the right of a State to secede from the Union, recognize the authority of the Federal Government, give to the negroes the protection of the laws, and at least a qualified right to vote in elections. That by acceding to this we might avoid the establishment of military government and universal negro suffrage. This advice had been accepted only in part, and the refusal to adopt the recommendations which I made was giving a pretext to the more radical and violent members of Congress to adopt still harsher and more cruel measures of Reconstruction. As will be seen from the reading of the letter* I made an appeal to the Governor and legislature to adopt

*Appendix E.

measures still possible which would save us from military government, universal negro suffrage, and other threatened misfortunes. And I said that if they failed to do so, the people of the State ought to hold them responsible for the calamities which would follow such failure. They refused to act, and thus involved the State in all the horrors of military government, universal negro suffrage, and the cruel measures of Reconstruction. I append this letter as an interesting part of the history of those troublous times. We can all understand that there is more chance of success in appealing to the passions and prejudices of a people who have been wronged, than in appealing to their reason and requesting them to make concessions necessary to their welfare. In this case politics worked a great evil—the leaders failed to act.

In the year 1866 I was a member of the State Democratic convention which met at Bryan, Texas; and though I was almost blind with sore eyes, I was made the chairman of the platform committee, and lying on a bed dictated the platform, which was written out by the Hon. W. M. Walton. After that year I was engaged in the active and successful practice of law in the State and Federal courts until I re-entered the Congress of the United States in 1875. In 1872 I was chairman of the State Democratic convention which met at Corsicana, Texas, which nominated the Hon. Roger Q. Mills and the Hon. Asa H. Willie for seats in Congress, for the State at large, to which they were elected.

I was a member of the State convention which formed the Constitution adopted in 1876, and was the chairman of the judiciary committee. I sought to have inserted a different judiciary article from the one adopted, which would have enlarged the jurisdiction of the justice and county courts, and would have reduced very materially the number of county officers, securing to them at the same time more remunerative compensation. My purpose was to secure the services of an abler class of officers, and I was disappointed

that my plan was not adopted. I also sought to provide for longer terms for State and judicial officers, and to give them better salaries than are provided for in the Constitution. In this, too, I was defeated.

On the 6th of December, 1875, I took my seat as a member of the 44th Congress of the United States, with David B. Culberson, James W. Throckmorton, Roger Q. Mills, John Hancock, and Gustave Schleicher as my colleagues. I was appointed a member of the Committee on Commerce and on Expenditures of the Post Office Department. During this session, realizing the necessity of improving the commercial facilities of my State, I introduced a number of bills providing for the improvement of harbors and rivers; and I introduced also several for the defense of the frontier of Texas.

In the consideration by the House of Representatives of the bill making an appropriation for the celebration of the centennial anniversary of the Declaration of Independence on the 19th of January, 1876, I delivered an address in which I made a plea for the reunited country. I urged that the centennial year should be made one of general rejoicing by restoring to citizenship, with all its rights and privileges, those men of the South who still lived under the ban of the National Government. I emphasized that it was the time to recur to the principles of the Declaration of Independence, to assert anew the cardinal doctrines of our political philosophy; and that in my vote for the bill I gave a pledge that our people desired to be restored to their proper places in the Union, to enjoy the blessings common to all, and to share in the glories of our common country.

On March 4, in my speech opposing the passage of a law to put into effect the Hawaiian treaty, I showed that its effect was to give a bonus of $400,000 to a few sugar planters of Hawaii and their associated capitalists in the United States, at the expense of the taxpayers of the country; and that the result would be to people those islands

with Asiatics instead of Americans. I also suggested that this measure would lead to an acquisition of the islands. The treaty was a few years later repealed, on the grounds I had alleged, that it was a corrupt measure inuring to the profit of a few capitalists.

I also urged the passage of a bill to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam vessels. My bill related to matters of very great importance to the inland and ocean commerce and navigation of the country; and its passage was urged by commercial and shipping interests generally. I devoted much labor to its preparation, as is shown by my report and speech explaining its provisions. It twice passed the House with but few dissenting votes, but was not acted on by the Senate. The railroad interests opposed the improvement of water routes and mustered sufficient strength to prevent action on it.

On the 8th of May, 1878, I addressed the House of Representatives at great length in favor of the passage of my bill "to regulate interstate commerce and to prohibit unjust discrimination by common carriers." I laid down the following principles in support of the bill, submitting a full list of legal authorities to sustain these principles:

1. That railroads receive their franchises from the public for the public good as well as for the profit of the stockholders.

2. That monopolies and perpetuities are contrary to the genius of a free people, and cannot be allowed or maintained in this country.

3. That the political authority of this country cannot, either in the States or Congress, create a power, whether corporate or otherwise, superior to the power and authority of the people themselves; one which may oppress and wrong them without lawful remedy and control; for all power is inherent in the people and all just and legal government is designed to promote the public welfare.

4. That railroad corporations are in an important sense public corporations, and are always recognized as quasi-public corporations.

This is so:

5. Because they are created by the public political authority to promote the public good.

6. Because, for the purposes of their being, they are clothed with the right of eminent domain. And this cannot be conferred under our constitutional form of government on private persons or for private uses. Private property can only be taken for public uses and upon just compensation.

7. Railroad companies and others engaged in the general transportation of merchandise are carriers for hire.

8. They are engaged in a public employment affecting the public interest.

9. Hence they are subject to regulation and control by the political authority.

The Committee on Appropriations of the House of Representatives in 1876 reported a bill, the effect of which was the abolishment of the navy yard at Pensacola, Florida. This was the only navy yard on the Gulf of Mexico, and the only place at which either vessels of war or commercial vessels could be repaired. And in case of war with any maritime power, if the Pensacola navy yard should be abolished, vessels of the United States in need of repairs would have to make a long voyage around the capes of Florida and up the Atlantic coast to some place where repairs could be made, and, besides the great expense and delay of such a voyage, a vessel would be exposed to capture by an enemy's ships. And to dismantle that navy yard would have been to expose the commerce of the great valley of the Mississippi, Texas, and the Northwest to grave danger in time of war, which would not be so great if a yard for the repair and construction of vessels could be preserved on the Gulf coast. To prevent such a mistaken policy as the dismantling of that navy yard, I offered and secured the adoption of such amendments as preserved it for the future. And to enforce this view on the 19th of May, 1876, in the House of Representatives, I delivered a lengthy address.*

*See Appendix F.

In the election for President in 1876, Rutherford B. Hayes was the Republican candidate, and Samuel J. Tilden the Democratic. The election was closely contested and the result had to be determined by Congress. Its decision, reached by a party vote, was that Hayes had received 185 electoral votes and that Tilden had received 184, giving the election to Hayes by a majority of one. In the popular vote Tilden received 4,284,757, and Hayes 4,033,950 votes, making Tilden's majority, 250,807. By a partisan investigation and decision the four electoral votes of Florida and the eight electoral votes of Louisiana, which were really cast for Tilden, and the four votes of Oregon, which were believed to have been cast for Tilden, were all counted for Hayes, and he was made President by the strictly partisan count of the Electoral Commission appointed by Congress.

The committee elected by the House of Representatives to investigate the action of what was known as the Returning Board of Louisiana caused *subpoenas duces tecum* to be issued requiring its members to appear before the committee and to produce the returns of the votes and their books showing what action they had taken on them. That board refused to obey these subpœnas and the committee sought to have the House take such steps as would compel its members to obey them. This also was prevented by a partisan vote of the House. And on this question I delivered my speech of the 19th of January, 1877.*

The State convention of the Democratic party met at Austin, Texas, July, 1878, to nominate candidates for State offices. The prominent candidates for the office of governor were Ex-Governor J. W. Throckmorton and Acting-Governor Richard B. Hubbard. Under the rules of the convention, it required the vote of two-thirds of the delegates to make a nomination. After balloting a week it was found that neither of them could secure the necessary two-thirds.

*See Appendix G.

At a late hour on Sunday night following the week's balloting, I was aroused from sleep by a committee having among its members Col. W. L. Moody, Capt. E. S. Jemison, and Gen. J. B. Robertson; and was informed by them that it had been agreed that if I would accept the nomination for governor, the names of Throckmorton and Hubbard as candidates would be withdrawn on Monday morning, and that I would be nominated by acclamation. After acknowledging my high appreciation of the proposed honor, I stated to those gentlemen that I had introduced in the House of Representatives a bill to regulate commerce between the States, and was chairman of the Committee on Commerce, which had it in charge, and that I deemed it so important to the interests of the whole country that I would rather succeed in securing its passage than to have any office in the gift of the people; that I did not know who would succeed me in advocating the bill; that, for these reasons, I would have to decline the nomination, which would then have been equivalent to an election.

After my service of sixteen years in the House of Representatives, the legislature of Texas, in 1887, honored me by choosing me for United States Senator over three other distinguished competitors of the same political faith, and advocates of the same line of public policy. In the Senate I labored for the success of the party, maintaining the principles for which I had stood in the past.

One of the last measures with which I was concerned was the "Force Bill," which involved danger to our political system. This was in 1891. The bill under consideration was one drawn ostensibly to regulate by Federal authority the election of the members of Congress, and the President and Vice-President of the United States. I believed this measure to be unconstitutional, subversive of the form of the Federal Government, and that it endangered popular liberty in this country. Senator Evarts of New York had made a well-considered speech in favor of the bill, and evidently

expecting that it would become a law made an earnest appeal as to the duty of the people to obey the Constitution and laws. The next day he was followed by Senator Dixon of New Jersey, who also favored the bill. I feared the effect of the speech of Senator Evarts, if unanswered, on public opinion, and endeavored to have an answer made by Senator Gray of Delaware, Senator Morgan of Alabama, or some other of our stronger speakers. Those to whom I spoke said such a speech could not be replied to without time for preparation and consideration. When I could get no one else to undertake it I determined to try to answer it myself rather than let it go to the public unanswered. And in probably twenty minutes after I reached the conclusion I began my speech without notes or documents of any kind; and under such conditions closed the general debate on this great question. The amendments to the bill were subsequently discussed, and it failed to pass the Senate.*

I have given a partial account of my participation in the proceedings of the 35th, 36th, and 44th Congresses, covering the years 1857-61 and the years 1875-77; and it was my wish to have given a similar account of my participation in the proceedings of the House of Representatives during the 45th, 46th, 47th, 48th, and 49th Congresses, covering the years 1877-87; and in the debates of the Senate of the United States during the 50th and 51st Congresses (1887-91). This would have shown my share in the discussion of all the great and interesting questions then being considered by Congress; but much to my regret, I cannot do this without making this work too voluminous for general circulation.

I may say, however, that during those years I took my full share in the advocacy of economy in the expenditures of the Government. I favored a tariff for revenue as against a protective tariff; advocated a bimetallic currency, gold and silver, as the standard money of the country; favored the preservation of the rights of the States, in opposition to

*See Appendix I.

enactments by Congress in violation thereof, including opposition to the enactment by Congress of Federal election laws. I was an earnest advocate of the passage of a law by Congress for the regulation of commerce between the States, and for the revision of the Revised Statutes regulating internal and ocean navigation; and I took an active interest in securing the necessary appropriations for the improvement of the rivers and harbors, as a means of promoting the interests of commerce. These are some of the many important questions which I discussed during the sixteen years I was in the two Houses of Congress subsequent to the war between the States. During that time I was a member of the Commerce Committee of the House, and for ten years chairman of it; and was also a member of the Commerce Committee of the Senate the four years I served in that body.

CHAPTER XIX

In Retrospect

On the 19th of December, 1890, the Constitution of the State of Texas was amended so as to enable the legislature to create a Railroad Commission; and an act of the legislature of the 3d of April, 1891, created such a commission, with power to make, regulate, and maintain freight rates and passenger fares, requiring all rates to be reasonable and just. In June of that year, resigning my seat in the Senate of the United States, I became chairman of that Commission, and so remained for eleven and a half years, when I voluntarily retired to private life.

By the act of the legislature of the 8th of April, 1893, the Commission was authorized to limit and control the future issues of stocks and bonds of the railroad companies. Under that law the Commission made the valuation of all of the railroads of Texas. Since the organization of the Commission nearly four thousand miles of the railroads of the State have been taken out of the courts of bankruptcy, and there has been a slow but gradual reduction in freight rates, and a steady increase in the net revenues of the railroads. These changes are accounted for by the constant growth in the business of the roads, and by the adoption and enforcement of fixed rates of freight which prevent them from wasting their revenues by cutting rates, the allowance of rebates, etc. The stocks and bonds of railroads thereafter issued were made to represent dollars in money and not watered or depreciated securities.

A view of some of the events and changes which have taken place during my long life might be of interest and

instruction, but I can only touch upon it. In the year of my birth, 1818, Illinois became one of the States of the American Union. Before its admission there were but twenty States; now there are forty-six. Then the United States embraced only the original thirteen States, and the Louisiana purchase, and this was all but unknown in extent and value. Since then Texas, with her imperial domain and the large amount of territory acquired from Mexico, as a result of the war, and by purchase have been added to the Union; and Alaska, the Hawaiian Islands, Porto Rico, and the Philippines have been acquired. In 1820 the population of the United States was but 9,638,453; in 1900 it was 75,568,686, and to this must be added the population of the Hawaiian Islands, Porto Rico, and the Philippines, aggregating probably 10,000,000 more. What has been said of Great Britain may now be said of the United States, that the sun never sets on her dominions.

I am twelve years older than the oldest steam railroad in the United States; and I remember well when there were no steamships, no telegraphs, no telephones. Now there are railroad, telegraph and telephone lines covering all the States from the Atlantic to the Pacific, and our steamships for war and commerce visit all the countries of the world. When I came to the Republic of Texas in 1839 it is probable that there were not 100,000 white people in the Republic; and for some years, letters of a half ounce passing between Tennessee and Texas paid seventy-five cents postage, the inland postage of the United States being twenty-five cents, the inland postage of Texas the same, and the ship postage from New Orleans to Galveston, twenty-five cents. I recall, when a youth, hearing the question discussed as to the danger of an uprising of the Indians west of the Mississippi and of the anticipated massacre of the citizens of the town of St. Louis, as it was then called. And I remember well when San Antonio was but a town of probably 3,000 inhabitants.

I have lived to see the improvement in mechanic arts revolutionize the industrial systems of the country, and the increase in the agricultural, manufacturing, and commercial wealth of the country has reached almost fabulous amounts.

I enjoyed the friendship of the venerable David G. Burnet, the Provisional President of the Republic of Texas; of Gen. Sam Houston, the commander of the Texas army at San Jacinto, afterward twice President of the Republic of Texas, and Governor of the State; of Mirabeau B. Lamar, a distinguished soldier in the army of Texas, and afterward President of the Republic; of Gen. Thomas J. Rusk, the first Secretary of War of the Republic, her first Chief Justice of the Supreme Court, who served the State three terms in the Senate of the United States; of Gen. Edward Burleson, the Hon. David S. Kaufman, the Hon. Isaac Van Zandt, and Gen. J. Pinckney Henderson, each of whom was distinguished for his public service to the Republic and State.

It was my fortune, too, to be personally acquainted with several of the Presidents of the United States. Among them was John Tyler, elected Vice-President in 1840, who became President on the death of President William Henry Harrison. I served in the Provisional Congress of the Confederate States with President Tyler, and remember him as one of the most agreeable men in social life that I have known. I enjoyed the friendship of James Buchanan, who was President from 1857 to 1861, during which time I was a member of the House of Representatives. I was acquainted with Andrew Johnson, who became President on the death of Abraham Lincoln; and with Gen. Ulysses S. Grant, who occupied the White House from 1869 to 1877. I was in the House during the Administrations of Rutherford B. Hayes, James A. Garfield, Chester A. Arthur, who became Chief Executive on the death of President Garfield, Grover Cleveland, and Benjamin Harrison. I was also acquainted with President William McKinley, with whom I served several years in the House of Representatives.

I also enjoyed the personal friendship, as well as close official relations, with Jefferson Davis, the President of the Confederate States, and the association and friendship of the distinguished men who were members of his Cabinet, and of many of the men who distinguished themselves in the legislative, military, and the naval service of the Confederacy.

It has been my fortune to know many of the distinguished citizens of the United States during the past sixty years, and to have formed opinions as to their respective characters and abilities. There may have been among them some equal to or even superior to President Davis in some one department of study or branch of knowledge; but taking into view the combined elements of character and ability I regard him as the ablest man I have known. There is a maxim that distinguished men diminish in greatness as we get closer to them. This view did not apply in his case. In all my association with him I found him thoughtful, prudent, and wise. I never heard him use a thoughtless, vain, or idle expression.

I only mention these associations to indicate the opportunities I have had for becoming familiar with matters of public and historical importance which have occurred within my experience.

If this great Republic could be administered on the principles upon which it was founded by the fathers, it might continue to be an asylum for the most prosperous, the most enlightened, and for the freest, the happiest people on earth.

APPENDIX A

The Irrepressible Conflict

Mr. Reagan.—Mr. Chairman, we stand in the presence of great events. When Congress assembled some weeks ago, the control of the condition of the country was in its hands. I came here with a full knowledge of the deep discontent that prevailed in a portion of the States, and I felt then satisfied—as all must be satisfied now—that they intended to insist unconditionally and unalterably upon being secured in their constitutional rights in the Union, or on going out of it for the sake of self preservation. I came here with the hope that such measures might be brought forward by those who had the power to control this question, as would assure the people of the South that they might expect future security for their rights in the Union. I believe that if the Republican members had manifested, at the beginning of this session of the Congress, a purpose to respect simply the constitutional rights of all the States and of their people, all these difficulties might, before this time, have been settled. I do not mean to be understood in making that remark as indicating that it would have been necessary for them to have acceded to any extravagant or unreasonable demands. Such demands would not have been made, unless they deem it extravagant and unreasonable to insist upon plain, specific guarantees of those rights which were assuredly secured to us under the present Constitution as it was formed, and which have been secured to us by the action of all the departments of the Federal Government down to this time. This, I believe, was the condition of things when Congress assembled at the beginning of this session. In view of the fact that Republican members of Congress have held sullenly back, and have neither proposed nor accepted any compromise, but have declared that they have none to make, four States are now out of the Union; and others are in rapid motion to go out. Unless something can now be done to arrest this movement, there will be but few Southern States, if any, acknowledging allegiance to the Federal Government on the 4th of March next.

This state of things having been produced, what can change it? I cannot say now that it is possible to arrest the movement. It is certainly all but impossible now to arrest it. It is my duty to speak on this occasion as I would speak in the presence of the future—as I would speak in the presence of the calamities invoked on this people by the action of this Congress, and by a portion of the States of the Union. No men on the face of the earth, at any period of the world's history, were ever charged with a more solemn responsibility than that which rests to-day on the American Congress. It calls not for passion, but for calm deliberation; not for the maintenance of mere partisan supremacy, but for the ascendancy of patriotism; not for the domination of one party and the overthrow of the other, but for a constitutional Union based on the action of the people, and on the support of a Government friendly to all its parts; not nurturing and fostering the one and hostile to the other, but just and fair to all alike. These are the great principles which should animate our actions if we intend to preserve the Union. On the other hand, if fifteen States come here—minority as they may be in Congress, in the popular masses, in wealth and power—telling you of their discontents, and the cause of them, and if you tender no olive branch, no conciliation, but sternly deny them their constitutional rights, and tender to them on the one hand submission to ruin, and on the other hand powder and ball, who is it that does not know what their decision will be, whatever may be the consequences?

Is there a cause for this discontent? It has been interrogatively suggested that there was none. It has been partially admitted by others that there is some cause. This is not the time to come here and suppose that, by special pleading and ingenious statements of the cause of controversy, we can change the judgment of posterity as to the attitude of public affairs in these times. It is beneath the dignity of the statesman; it is beneath the dignity of the men who control events to resort now to special pleading to misrepresent the causes of the grievances which now exist. History will tell what those causes are. All of you to-day know what they are. For twenty years the anti-slavery strength has been growing in the free States of this Confederacy. In recent years it has become aggressive. The question tendered to the people of the South is well expressed in the language of the President elect—that this agitation must go on until the northern mind shall rest in the belief that slavery is put in a condition of ultimate extinction. That was his

sentiment. That is the sentiment of the great leaders of that party. I presume that few members of that party would to-day, in their place, deny that such was its purpose. I take it for granted that we may act on the presumption that this is its purpose. What justice is there in that? Let us for one moment revert to the history of the Government to know whether it is just in it to assume the responsibility of so grave an act. I need hardly to say that, at the date of the Declaration of Independence, each of the thirteen colonies was slaveholding. At the date of the formation of the Federal Constitution, twelve years after, twelve of the thirteen States of the Union were slaveholding States. Is it to be presumed that twelve out of thirteen States made a constitution which was intended to recognize slaves as freemen and equals?

It would be asking too much of human credulity to believe such a proposition. If anything were necessary to repel the idea, it is supplied by the bare fact that the convention which framed this Constitution, and gave it to us as the charter of our rights and liberties, provided in it for keeping open the African slave-trade for twenty years after the formation of that Constitution, so that the white race might go on under the authority of the Constitution and acquire a large amount of property in negro slaves. The interests of a portion of the States were found not to require African slavery; and these States disposed of their negroes, not so numerous then, it is true, as they were in some of the more Southern States. Then they made their States what they called free States. The Southern States raised no objection, and had no right to raise any objection, that these States had chosen for themselves to exclude negro slavery; but they had rights under the Federal Constitution—the right to protection and security—which it was their duty to insist upon. That is all they have done.

But, Mr. Chairman, I cannot dwell longer upon this portion of our history; but I will ask attention to another feature of this question. I invoke the attention of the Republicans for a moment, to what would be the result of the success of their doctrines if they will not cease this agitation until they can rest in the belief that negro slavery is put in process of extinction. But, before I do it, I wish to make one remark, not altogether connected with my argument; but which may not be unserviceable. We have for years back heard of what is termed the irrepressible conflict. It has emanated from men who have been eulogized for their statesmanship and their learning. It rested

on the idea of irrepressible hostility between the interests and institutions of the States of the Union. It has been invoked for partisan success and for sectional prejudice. It has culminated too soon for its authors. And, here to-day, behold the fruits of the irrepressible conflict. Every man who looks forward with an eye to the interests and hopes of the country has foreseen what the irrepressible conflict meant—that it meant subjugation and humiliation to the South, or the dissolution of the Union. You have reached now its logical end. Are you, then, longer prepared to eulogize a doctrine and eulogize its authors which have brought upon us so precipitately such fruits as these?

But to the point to which I was calling attention. I ask Republicans to-day—and I would to God I could throw my voice to every city and town and village and hamlet in the whole North, and could be heard by every citizen there, and answered by all—to trace the history of the African race through all the centuries of the past, in every country and every clime, from their native barbarism in Africa to slavery in Brazil and the West Indies, and everywhere else that you find them, and then come to the Southern States, and compare the condition of the negroes there with their condition anywhere else, and answer me if they are not in the enjoyment of more peace, more blessings, and everything that gives contentment and happiness, than any other portion of that race, bond or free, at any other age, or in any portion of the world? Will any man deny that they are? And if they are, is it the part of philanthropy to turn them back to the condition of the rest of their race, and, in doing so, destroy the hopes and the social and political future of fifteen States of this Confederacy? Then, again, I would ask this other question. Suppose these slaves were liberated; suppose the people of the South would to-day voluntarily consent to surrender $3,000,000,000 of slave property, and send the slaves at their own expense into the free States; would you accept them as freemen and citizens in your States? [No! No! from the Republican side of the House.] You dare not answer me that you would. You would fight us with all the energy and power of your States for twenty years, before you would submit to it. And yet you demand of us to liberate them, to surrender this $3,000,000,000 of slave property, to dissolve society, to break up social order, to ruin our commercial and political prospects for the future, and still to retain such an element among us.

Again, I ask you, do you believe, one of you—does any Republican in this Union believe to-day that if he could purchase a separate Territory, occupied by no human being, if you could liberate all the slaves to-day, take them to the Territory, frame a government for them, and give them money to start it—do you believe that, for one year, or any future period, those negroes could maintain a government in peace, giving security to life and person, and prosperity and repose to society? I venture to say there is not a Republican in this Union who could hazard his reputation by answering that question in the affirmative. And, yet, in religion's name, in God's name, in the name of justice and humanity, you are invoking every feeling that can stir the hearts of the people to press on with your irrepressible conflict; never halting, never stopping to consider, as all statesmen must consider, the relative condition and capacities of the races; and what is to be the end of the conflict which you invoke, with the certainty on your part that it must result in breaking up this Republic or in the subjugation and the infliction upon the South of the worst despotism that can be forced upon any country. I address you with all the earnestness of my nature; I address you in the name of humanity, in the name of our common country and of the cause of civil liberty.

Again: if I wanted experience to prove the truth of my supposition that such would be the calamitous effect of carrying your principles to their ultimate results, the history of the past furnishes that experience. In 1793, when red republicanism assumed its reign in France and the wild delusion of unrestrained liberty seized upon the minds of the masses, there were wretched fanatics who undertook to proclaim the equality of every human being, and they proposed the liberation of the slaves in the French West India colonies. The idea chimed with the popular delusions of the day, and a decree was passed that all the slaves should be free. The colonies would not accept the decree, and did not until the army of France was brought into requisition, and the slaves were set at liberty. But, what was the result to the colonies? Great Britain, catching the contagion from France, determined upon the policy of liberating her slaves in her West India colonies; but she was a little more humane and liberal. She did make compensation to the owners of slaves liberated, to the amount perhaps of one-eighth of their value. But what was the fruit of those decrees to the colonies interested? What was the result of conferring

the boon of freedom upon the African race in these colonies? What was the condition of these colonies prior to the execution of these decrees? They were the homes of civilization, contentment, prosperity, and happiness; their farms were cultivated, their cities were alive with business; their ports were covered with the canvas of the fleets of all nations, bearing to and fro the commerce of the world. Those decrees were passed. What followed? The white race was to a considerable extent exterminated by all the implements and modes of cruelty and torture that ingenuity of barbarism could invent. Yes, sir, exterminated. The fields then growing under the hand of industry soon went back into jungle, inhabited by the wild beasts of the forest; grass grew in the streets of their cities, and ships departed from their ports. And they have gone on in this experiment of liberty from revolution to revolution, carnage succeeding carnage, until at this time some of them have relapsed into and present a spectacle of savage African barbarism. Gentlemen of the Republican party, are you now prepared to go on in your aggressions until you have inaugurated the same scenes for your Southern brethren? I say your brethren, for hundreds and thousands of them are your common kindred, living in the enjoyment of the blessings of the same system of government, and enjoying the prosperity common to our people. Are you prepared to inaugurate a system which can only end in such a result? Are you prepared to attempt to force us by fire and sword to submit to such a fate as this?

Your people have lived in the habitual violation of the Constitution and laws of Congress, for many years, to our serious injury, and we have never invoked its doctrine of Federal coercion against your States. Your legislatures have passed laws nullifying provisions of the Federal Constitution which ought to have secured protection to our rights. The members of your legislatures had to commit official perjury in voting for these laws. And your Governors had to do the same thing in signing and approving them. And a number of your States have passed laws to fine and imprison their own citizens if they should aid in executing the fugitive slave law—a law passed in conformity with the requirements of the Federal Constitution, and which has been adjudged to be constitutional and binding on all by the Supreme Court of the United States.

During all this time your States have stood in open rebellion against the Constitution and laws of the country—and this

in carrying on your aggressive and hostile policy against us—we have heard nothing of Federal coercion, not even from our Northern friends who are now so ready to turn Federal bayonets against us. But now that the Southern States have determined that they can stand these lawless and hostile aggressions on their rights no longer; now that they have determined not to live under a government hostile to these rights, and that their safety and self-preservation require them to resume the powers they had delegated to the Federal Government for their common good, but which are to be used under Republican rule for their ruin, we hear continually from Republicans of the treason and rebellion of the South; and they are loud and seemingly sincere in their demands for the enforcement of the laws by Federal guns. And I regret to see that Northern Democrats, some of them, seem to be equally forgetful of our wrongs, and of abolition aggressions on our rights, and equally anxious for the gunpowder enforcements of the laws, against the authority of State sovereignty in the exercise of their highest and most sacred duties—the protection and defense of the rights of their own citizens who can no longer look for security or protection under a government to be administered by hostile enemies under a violated Constitution.

But again: I wish to call your attention to another point. What is to be the effect upon the material prosperity, not of the South alone, but upon the North, upon Great Britain, and upon the whole of continental Europe, from the success of your policy? Let me ask you to consider—for it would not seem that you have contemplated it for yourselves—this fact: During the last year the foreign exports from the Southern States amounted to $250,000,000. Of this amount $200,000,000 consists in the exportation of the single article of cotton. That cotton supplies the material for your Northern manufacturers of cotton goods. It employs the millions of capital engaged in that business. It employs the time and services of hundreds of thousands of operatives who work there. It employs the investments made in your Northern cities in the shipping in our coast-wise trade and foreign commerce. It employs the untold millions of English capital engaged in the manufacture of cotton goods. It employs the millions of English capital engaged in the transportation of cotton, manufactured and unmanufactured. It supplies with bread the hundreds of thousands of operatives employed in the manufacture of these goods in England.

Now suppose you succeed in striking down African slavery in the United States; you strike down not only our prosperity in the South, and inaugurate instead all the horrors of Africanized barbarism under which the French and British West India colonies now suffer; you strike down all the investments made in the manufacture of cotton goods; you bankrupt your capitalists; you beggar your operatives; you bankrupt Great Britain; you beggar millions there; you inaugurate starvation and famine in Great Britain to an extent ten-fold beyond that which will be suffered here. You require of us unconditional submission; and if that is not rendered, you propose to employ all the force of the Army and Navy to subjugate us.

I was going on to say that you contemplate as a part of the means of your operations the blockade of our ports. Well, I grant that you have the ships, and you could blockade our ports if none but ourselves were concerned. But let me warn you in advance, that like a distinguished general of a former war, you will find a fire in the rear as well as in the front when you undertake to do it. Your own people will not permit you to do it. Your commercial cities will not permit you to do it. Your manufacturers will not permit you to do it. But suppose your people should be so demented as to allow you to destroy their interests, do you think Great Britain would permit it? Will she permit you to bankrupt her capitalists engaged in the manufacture of cotton goods, and in the commerce growing out of cotton, and starve her millions of operatives? If your own interests, and all the duties of humanity and justice, will not induce you to forbear from the madness and folly which must produce such results, Great Britain and continental Europe will promptly require you to raise the blockade of our ports.

Gentlemen, I mention these things, and you can consider them if you think they are worth considering. We are dealing with questions which involve not only our own interests, but the interests of all the civilized and commercial world.

You are not content with the vast millions of tribute we pay you annually under the operation of our revenue laws, our navigation laws, your fishing bounties, and by making your people our manufacturers, our merchants, our shippers. You are not satisfied with the vast tribute we pay you to build up your great cities, your railroads, your canals. You are not satisfied with the millions of tribute we have been paying on account of the balance of exchange which you hold against

us. You are not satisfied that we of the South are almost reduced to the condition of overseers for Northern capitalists. You are not satisfied with all this; but you must wage a relentless crusade against our rights and institutions. And now you tender us the inhuman alternative of unconditional submission to Republican rule on abolition principles, and ultimately to free negro equality and a government of mongrels or a war of races on the one hand, and on the other secession and a bloody and desolating civil war, waged in an attempt by the Federal Government to reduce us to submission to these wrongs. It was the misfortune of Mexico and Central and South America, that they attempted to establish governments of mongrels, to enfranchise Indians and free negroes with all the rights of freemen, and invest them, so far as their numbers go, with the control of those governments. It was a failure there; it would be a failure here. It has given them an uninterrupted reign of revolutions and anarchy there; it would do the same thing here. Our own Government succeeded because none but the white race, who were capable of self-government, were enfranchised with the rights of freemen. The irrepressible conflict propounded by abolitionism has produced now its legitimate fruits—disunion. Free negro equality, which is its ultimate object, would make us re-enact the scenes of revolution and anarchy we have so long witnessed and deplored in the American governments to the south of us.

We do not intend that you shall reduce us to such a condition. But I can tell you what your folly and injustice will compel us to do. It will compel us to be free from your domination, and more self-reliant than we have been. It will compel us to assert and maintain our separate independence. It will compel us to manufacture for ourselves, to build up our own commerce, our own great cities, our own railroads and canals; and to use the tribute money we now pay you for these things to the support of a government which will be friendly to all our interests, hostile to none of them. Let me tell you to beware lest your abolitionism and irrepressible-conflict statesmanship produce these results to us, and calamities to you of which you dream not now.

The question again recurs, what has brought the perilous condition of the country? Why, sir, to hear the taunts that are made to the South, to hear the epithets of "treason," "rebellion," "revolt," and to hear the declarations and pretensions made in the North, one would think that the people of the

South were a reckless, wayward people, seeking only to do wrong. How? In what? Let the questions be echoed and reechoed all over the Union—all over the civilized world. How? In what have the South done wrong? Have they sought to violate the Federal Constitution? Have they sought to violate the laws? Have they asked you to sacrifice any material interest? Have they asked you to sacrifice any principle that is not in conflict with the Federal Constitution and laws? I wish this question could go everywhere and sink into every heart, and be answered by every human being. How have we done wrong? In what way have we done wrong? History is to answer the question; and it is to answer it in the face of the consequences which must follow.

I stand here to-day to say that if there be a Southern State, or a Southern man even, who would demand, as a condition for remaining in this Union, anything beyond the clearly specified guarantees of the Constitution of the United States as they are, I do not know it. I can speak for my own State. I think I have had intimate association enough with her people to declare that they have never dreamed of asking more than their constitutional rights. They are, however, unalterably determined never to submit to less than their constitutional rights. Never; never; sir! You can rely on that, Mr. Chairman.

Mr. Chairman, I was going on to say that we demand nothing but what are our clear constitutional rights. We will submit, sir, to nothing less. We ask no concessions as a mere favor to us. We demand our constitutional rights. That, sir, is the language of freedom. We demand them and we intend to have them, in the Union or out of it.

I regret that in the course of this discussion an assumption is made, and arguments are predicated upon it, that it was simply a question whether we have the right to rebel against the Federal Government. Those arguments have seemed to go upon the hypothesis that we neither knew nor appreciated the blessings of this Union; but, on the contrary, we hated and wished to destroy it. And here I must say, that on yesterday I was deeply pained to hear certain arguments advanced by the distinguished gentlemen from Illinois and Ohio (Messrs. McClernand and Cox). Their arguments seemed to proceed upon the assumption I have stated. I was the more pained, sir, because I have seen the gallant battles they have fought against abolitionism and the "irrepressible conflict." I know their experience, their judgment, and their capacity. I know,

sir, that they are representative men of a great and gallant party. I felt profound regret to see such arguments, proceeding upon such an assumption, come from those gentlemen.

Now, Mr. Chairman, if I can I will correct some of the errors upon which the arguments advanced against us seem predicated. We do rightly estimate the value of the Union. We do rightly estimate the value of the blessings of this Government. We have loved and cherished the Union. Nobody has a better right than I have, although I say so myself, to make that declaration. I have loved the Union with an almost extravagant devotion. I have fought its battles whenever they were to be fought in my section of the country. I have met every sectional issue, at home in my section, and in my State particularly, which was attempted to be forced upon the public mind, and which I thought would mar the harmony of the Democratic party. I have fought the battles of the Union without looking forward to the consequences. I have fought them in times when the result for the Union seemed almost hopeless. If I could believe we could have security of our rights within the Union, I would go home and fight the battle of the Union in the future with the same earnestness and energy that I have done in time past.

While those gentlemen tender us war as the alternative, if we do not submit, yet, sir, not one word is said in way of rebuke to those of the Republican party who have created the present storm; no demand is made of the Republican party to relinquish their unconstitutional encroachments—to give up pretensions inconsistent with our system of government and our political rights. There, appeal ought to be made, that our rights should be given to us, and that we should be secured in the enjoyment of them. Let that be done, and no arm and no voice will be raised against the Federal Union. Deny us our rights, and we will face your messengers of death, and show you how freemen can die, or, living, how they can maintain their rights. Mark that, sir!

Where, Mr. Chairman, is now our hope for conciliation? Pennsylvania and Vermont have already acted on the proposition to repeal personal liberty bills; and they have refused to repeal those obnoxious and unconstitutional laws. The gentleman from Ohio (Mr. Cox) stated yesterday that he thought those laws would be repealed in Ohio.

Mr. HALE. There are no personal liberty laws on the statute-book of Pennsylvania. I know the statement has been made, but it has been corrected time and again.

Mr. REAGAN. I refer the gentleman to his own statute-book.

Mr. MORRILL. Let me say a word for Vermont.

Mr. REAGAN. I cannot allow myself to be interrupted constantly.

Mr. MORRILL. I desire to correct a statement that this gentleman has made. I know that he would not willingly misrepresent my State. Vermont, sir, has not refused to repeal her personal liberty bills. The matter was referred to a commission; and when that commission reports, the legislature will then, I have no doubt, act on the subject.

Mr. REAGAN. They have not repealed the personal liberty bill. That was my statement; and that statement is not denied. I do not believe that they will repeal them in the Northern States. It does not lie in the mouths of our Northern friends to ask us to believe them until they can promise with certainty that these laws will be repealed. We know that delay is death. We have already experienced some of the fruits of delays.

We want to avert civil war if we can. Yet no effort has been made to give us what, under the Constitution, we ought to have. It is not proposed to give us what will reasonably make the Southern people believe that they will have security in the Union. No such proposition can be made and sustained; because, to give us our rights is to disband the Republican party. The existence of that party depends upon violating the Federal Constitution, and in making war upon the institutions of the South. There is now an irrepressible conflict; and either the Federal Government or the Republican party must end. I am not here to palliate or to dodge one of the inevitable dangers that beset us. I am ready, for one, to face them all; and I think that this is the better course for us all to pursue. When we all do that then we will have a just understanding of our relative positions. You all know that we cannot and dare not live in this Union with our rights denied by the Republican party. Its ascendency is our destruction; and, sir, its destruction this day is the only salvation for the Union.

I will now, for a moment, refer to the arguments of the distinguished gentlemen from Illinois and Ohio (Messrs. McClernand and Cox). As one member of this House, I want to give them an assurance that the anticipations they entertain, and upon which they base their argument, can never be realized. I have been taught, from my earliest instructions, in the theory and practice of our Government, that this is a

Government of consent and agreement, as contradistinguished from a Government of force or military despotism. It is bound to be one or the other. Which is it? Is it a voluntary association of free, republican States, upon terms of equality, or is it a military despotism, in which the Federal arm, through its army and navy, can subdue the States at will, and force them to submit to any grievance which may emanate from the Federal Government or other States? Which of these positions do my friends intend to assume? Assuming the principle that the Federal Government has the right to bind the States in all things, they go upon the hypothesis that their interests and positions will require them to command the outlet to the Gulf of Mexico and the forts upon the coast of Florida. I do not rise for the purpose of denying the right of the passage to the Gulf; but I must express my regrets that they talk in advance of cleaving their way to the Gulf by armies with banners, before one man from all that country has ever said that they should have any cause for war. No one has ever intended to deprive them of the benefit of the navigation of the Mississippi. No one intends it to-day; so that if we are trampled upon by force, let me proclaim to them and to the country, that they must place their action upon a different ground, because we intend that they shall never have cause of war upon that account.

Mr. McCLERNAND. The gentleman seems to refer to my remarks of yesterday.

Mr. REAGAN. The gentleman did not say so yesterday, but he did on a former day of the session.

Mr. McCLERNAND. Never.

A Voice. It was said by the gentleman from Ohio (Mr. Vallandingham).

Mr. REAGAN. All I want to say is this, that our interest is peace, and our hopes are for peace. War is in opposition to all of our interests and our hopes. We want no war; and we intend to give no just cause for war, unless the attempt to separate ourselves peaceably from despotism, and to take care of our rights under a friendly Government—and they would be destroyed under a hostile Government—is a cause for war. We declare in advance that we will not interfere with your navigation of the Mississippi River. We know that is necessary for you; but we cannot, because there may possibly be some conflict of interest between us, consent to surrender

our liberties rather than assume the responsibility of organizing a government which will cover the lower part of that river and the capes of Florida.

The gentleman from Illinois made a statement yesterday, such as I suppose a gallant and heroic man would make, if his proposition was properly predicated. He said they could not submit to the control of the mouth of the Mississippi and the capes of Florida by us; that they would rather perish—perish, he said with emphasis—than submit to any other power controlling the Mississippi, and commanding the coast of Florida. If such is his jealousy of the commercial rights only of his own section; if he feels so keen and sensitive a jealousy, what would he think of us, if when our commerce, our homes, our property, our social and political possessions, for all time to come, are imperiled, we should, like trembling dastards, yield our rights? A great heart like his would never expect it; would never exact it. We prefer liberty and all its consequences, to a temporary peace without honor; and the gentleman will justify us if, under such circumstances, we tell the North, and tell the world that we accept independence, with all its consequences, in preference to base submission, dishonor, and irretrievable ruin. We shall have no cause of war. My section sympathizes with the gentleman from Illinois and his friends. They look upon them as defenders of the Constitution; and it has been my pride on many a stump, and in many a place, to eulogize by name the gentleman from Illinois (Mr. McClernand) and the gentleman from Ohio (Mr. Cox), with all their associates, for their gallant conduct, their moral courage, their heroic bearing in standing up against Northern fanaticism, and resisting its onward wave to the destruction of the Constitution, the Union, and our rights. Now, what will our people say when these speeches are printed and sent to them, and they see that these gentlemen are the first in this House who say that the assertion of our independence, when we can no longer live in this Government, shall invoke the cannon, the rifle, the saber, and all the instruments of war? What will they say when they see that these gentlemen, who have long resisted abolitionism, defied its power, and been crushed down by its operations, are the first to surrender at discretion in the face of the abolition enemy?

Mr. McClernand. I belong to a particular association—a great party—that occupies a distinct ground in this controversy upon the slavery question. We have been a Union party—

a constitutional party—organized against the two extreme parties. We will not succumb to either, but continue to stand by the constitutional guarantees, as we have done in the past.

Mr. REAGAN. I would always have expected from the gentleman such a proposition. I know the gentleman's position well; and what I ask him to consider is, what has brought us to our present condition? If our rights had not been denied us—if our condition had not been imperiled—no voice would have been raised in the South for disunion. Will you compel us to submit to abolition behests? Will you demand that we shall submit to destruction at their hands? I understand the position of those gentlemen; but I ask them to review their words, and determine whether they are prepared to assert to the world and to American people, that there is no remedy under this form of Government, for the grievances, wrongs, and outrages inflicted upon a State; that we shall, under this Government, have no remedy; and that it is in the discretion of the Federal Government to turn against us the cannon and the glittering saber. Is such the Government under which we live? Is such the Government for which Washington and his compatriots battled? Is such the Government framed by Jefferson and Madison and their associates? No. It is a Government of consent, a Government of agreement, a voluntary Confederation, in which no power was conferred to use force against a State, in order to reduce her to subjection. In the convention which framed it a proposition of such a character was offered and rejected by the convention; and by the Constitution itself, Congress can only exercise the powers specially delegated to it.

I have but one word more to say. I live far to the South. We have a long Mexican boundary, and a long Indian frontier, infested by hostile savages throughout its whole extent; and yet this Government has refused for years to defend us against them. We have a long coast, too, open to the approach of a naval force, and we know the consequences of our acts, and we know what may follow an attempt to take care of ourselves and our liberty; but we remember at the same time the history of the past. Less than twenty-five years ago Texas stood a province of Mexico, with a population of not more than thirty thousand, entitled to privileges of Mexican citizens, including all ages and sexes. We lived under the Mexican Constitution of 1824, which the Texans fought to sustain. That Constitution was subverted by a military despot; and

our liberties were trampled in the dust. That despot came against us with invading armies for our subjection. He intended to overawe us by the display of military power, as the President and General Scott are now attempting to do with the Southern States. The thirty thousand people of Texas resisted that power for the sake of liberty and those rights to which we were entitled, trusting to the God of battle and to the justice of their cause. In that great struggle companies and battalions fell to rise no more. They sank nobly for freedom, as freemen will sink again for her cause whenever you shall tender to us that alternative. Upon the field of San Jacinto they won their liberty by their brave hearts and their stalwart arms. They vindicated that liberty for ten or twelve years afterwards; and then as a pledge of their love to this Union, and their confidence in its principles, and desire for the enjoyment of its prosperity and its happiness, that people tendered Texas, a free and voluntary offering, to come in as one of the States of the Union, upon terms of equality with the other States.

But we were told yesterday that we sold ourselves. The gentleman did not mean exactly what his language would imply; but he must see how offensive such remarks must be tc those who do not appreciate the use he intended to make of the argument. Texas cost this Government not one cent. She vindicated her liberty by her arms; and redeemed to civil and religious liberty a country as large as the six New England States, and New York, Pennsylvania, Maryland, Ohio, and Indiana, all put together. She redeemed it from Catholic priest-craft and military despotism, and has covered it over with five hundred thousand freemen, a prosperous and happy people; and they are prepared to vindicate their liberties when they are encroached upon again by a despotism of one or of many men.

It is true that war grew out of the annexation of Texas; and I suppose it is that which the gentleman charges Texas with. But this Government knew what it was doing when it was acquiring dominion over that country, and adding to the United States to aid in building up its commercial, agricultural, and manufacturing interests. But they also acquired New Mexico and Utah, and the great golden State of California, by that war, and extended their power and dominion to the Pacific Ocean. And that is what the gentleman from

Ohio (Mr. Cox) and the friends of those measures now sneeringly refer to in their reference to the purchase of Texas. I was sorry to hear it.

Allusion has also been made to the fact that $10,000,000 was subsequently paid for a portion of the domain of Texas, to some of which, it is said, she had no title. I have no time to enter into an argument upon that question. The Federal Government took up our quarrel for that boundary. As our agent, she obtained the title deed for us. No lawyer will say that it lay with her to dispute our title. She then offered us $10,000,000 for a part of this land—eighty or a hundred thousand square miles of it. Texas accepted the offer. Shall the representatives of the Federal Government now taunt us with the statement that Texas has been bought with a price and paid for? Why, this Government only bought a portion of Texas. She has that now. It is not in the jurisdiction of Texas. This Government proposed the trade. Texas assented to it. Was there anything in this to call for contemptuous taunts? We made no sale to this Government of what is now Texas. But Texas did give to this Government, freely and voluntarily, her sovereignty and the dominion of all her vast and fertile domain, and ought to be exempt from the contemptuous charge of having been bought. It is wholly untrue, and self-respect should prevent the making of such a charge.

Mr. Chairman, there are other subjects which I had hoped to discuss this morning, but I will not trespass on the patience of the House by discussing them now. I have to say in the end, that yet, almost hopeless as it seems, I would be glad to see an effort made toward conciliation. Above all things I stand here to invoke members to look upon this question as one which involves the interest and destiny of States, to warn them that they are making advances against fifteen States, with thirteen million people, and with more than two-thirds of the exports of the country; against a people who understand all these questions, and who are not to be misled or deceived by special pleading; a people who never intended or wished to raise their voice against the Federal Government, and who never would have done so if they had been let alone. Remember that we only ask you to let us alone—nothing else. Give us security in the Union. Respect our rights in the common Territories. So act among yourselves as to let us know that we need no longer live under continual fear of the consequences of your actions.

I must say that the very State from which I come, the very district which I represent, has had some painful experience during the last summer, growing out of the doctrines of abolitionism. We found, for the last two or three years, the members of the Methodist Church North, and others, living in Texas, were propagating abolition doctrines there. We warned them not to carry on their schemes of producing disaffection among our negroes; but they persisted, and did not cease until they had organized a society called the Mystic Red. Under its auspices, the night before the last of August election the towns were to be burned and the people murdered. There now lie in ashes a number of towns and villages in my district. Four of them were county seats, and two of them the best towns in the district. The poisonings were only arrested by information which came to light before the plan could be carried into execution. The citizens were forced to stand guard for months, so that no man could have passed through the towns between dark and daylight without making himself known. A portion of them paid the penalty of their crimes. Others were driven out of the country. These things had their effect on the public mind. They were the results of abolition teaching; a part of the irrepressible conflict; a part of the legitimate fruits of Republicanism.

APPENDIX B

In Prison, Fort Warren,
Boston Harbor, May 28, 1865.

His Excellency, Andrew Johnson,
President of the United States:

I know not, sir, whether you will consider me, a prisoner in solitary confinement, as offending against propriety by asking to tax the time of your Excellency, amidst the great cares and labors of your position, by the perusal of this communication. I beg of you the favor, if your engagements will permit, to read it. With what you may chance to know of me you will determine the motives which have induced me to risk addressing you, and the amount of consideration you should give what I say. You may, perhaps, remember me as a native of East Tennessee, as a former member of the Congress of the United States from Texas, and more recently as the Postmaster-General of the Confederate States.

Great questions, which involved some three thousand millions of dollars in what was recognized by the Constitution and laws of the United States and of fifteen States of the Union as property in slaves, questions upon the solution of which the traditional social organism and industrial systems of fifteen States depended for their preservation or destruction, and involving the social and relative positions of two races of men, differing in color, in physical conformation, and in their intellectual capacities and moral qualities; questions relating to the fairness and justice of the collection and disbursement of the revenues of the Federal Government; and questions involving the character and structure of the Government itself, the solution of which were to determine whether the Federal Government was one of delegated and limited powers only, and the several States sovereign as to all reserved rights, or whether it was a paramount controlling sovereignty and they subordinate on all questions of conflicting authority—were for many years before the war discussed with great earnestness and anxiety throughout the country, in Congress, in

State conventions, in State legislatures, in political conventions and meetings, National, State and local, in the newspapers, and in all the modes of public discussion.

The slavery question was from the first almost purely sectional. The division of opinions on the other questions, at first more National, were at last almost as purely sectional. Thus were not only States arrayed against States, but the Northern States in one body and the Southern States in another body were arrayed against each other. The convictions of the people of these great sections were directly antagonistic on these momentous questions and were so strong, and the interests involved were so great, and the passions which had been elicited were so intensified, that reason and conservatism gave way before their resistless currents. The members of Congress, representing the interests and participating in the convictions and prejudices of their respective sections, were as far from agreeing as the States and the people. And if these questions could have been brought within the jurisdiction of the courts, as the slavery question was in part, in the Dred Scott case, enough of popular sentiment was developed, with reference to decisions which were made, to show that the parties would not have held themselves bound by the judgment even of the Supreme Court of the United States. All the efforts of the conservative men, of which class I claim to have been one, failed to secure an adjustment. There was no tribunal having the necessary jurisdiction and authority which could be appealed to for the peaceful settlement of the great and difficult questions with which our people were confronted. And the dread appeal was made to arms as the last and only means of their solution. A gigantic war of four weary years ensued. Armies numbering hundreds of thousands on each side were brought into conflict. All the passions were aroused which a long and bitter precedent quarrel and a terrible and bloody war for independence on the one side, and for dominion on the other, could produce.

The contest has been substantially ended by the success of the Federal arms. The armies of the Confederacy have been surrendered or dispersed. The President and Vice-President and many other officers, civil and military of the Confederacy, are captives of war and in Federal prisons. And so are the governors and other officers of several of the States. The success of the Federal arms places both the questions at issue, and the condition of the people of the Southern States within

the power and control of the Government. And a line of policy must be adopted, suited to the changed conditions of the country. This change is to affect vitally several millions of each of two races of people, and may affect most seriously the character and form of the Government of the United States. No one will understand better than yourself the great responsibility which rests on you, as President of the United States, in the solution of the great questions growing out of the close of the war and the inauguration of the new conditions of things.

My object is, in this paper, to state the case in general terms, without argument as to the past, and to submit a few suggestions as to the present and future. I do not forget that I am a prisoner in confinement and subject to the power of the Government, and that you are President of a great and powerful nation, holding my ultimate destiny in your hands. But I think I know enough of you to warrant me in the belief that you will hear me as a man, pleading the cause of humanity and of our country's future, and consider whether what I have to say may not go to show that a humane and merciful policy on the part of the Government, in the disposition of the great questions under consideration, will not be more wise, more just, and more conducive to the public good, for the present and future, than a harsh, relentless, and vindictive policy.

I have submitted the foregoing statement of the course of things which led to the war to show that it grew out of causes beyond the control of the men of this generation; and that it grew out of great public questions of such magnitude and character as have not, perhaps, in the world's history been settled without an appeal to arms; and the whole history of the times shows that it was not a mere rebellion or revolution gotten up by ambitious men to gratify malice, to secure power, or to establish a dynasty; that the war was not brought on by particular men, but by great causes which involved all the people alike, and that it was intended only to separate the States concerned from a government supposed to be hostile to them, and to establish for them a government friendly to their interests.

The avowed object of the Government and people of the United States was to preserve the Union. To this end they took the ground that it was necessary to abolish negro slavery; and it now seems to be regarded, at least by many of the newspapers of the North, as equally important to insist

on the repudiation of the doctrine of States' Rights and strict construction, as understood by a great political party which has been in the ascendency in power and controlled the administration of the country for much the greater part of its existence.

Will it be wise or just to add to these great changes, and to the calamities which have resulted from the war, and to those which must follow these changes, executions, exile, imprisonments, disfranchisement and the confiscation of the property of the defeated party, or of those who were prominent among them? Would this be restoring the Union? Would it be securing the affections and cheerful loyalty of those who would be expected to form a part of the Union? Has not blood enough flowed? Have not their losses of property been great enough? Has not the loss of their independence, and with it their ideas of the true principles of government, and of their social and industrial systems, in addition to their utter impoverishment by the waste and ravages of war, and the loss of so many thousands of their bravest and best men, been punishment enough? Is there not misery and sorrow enough in the land? Would not new calamities, additional suffering and sorrows, impress the living with a feeling of hopeless despair of ever securing the friendly and paternal care and protection of their government, and cause them to feel that they were the objects of hate, persecution and wrong? And would any people so feeling be likely to become happy and contented, and to make good and faithful citizens?

On the contrary, suppose the people who have adhered to the Union and been victorious in the contest, should consent to accept the existing condition of things, as those who opposed it are compelled to do, and should say through their government, that this contest which cost us so much blood and treasure is over, the Union only awaits the formal acts of the several States to be restored; you have failed to achieve your independence, your social and industrial systems must give way; in this you must suffer much, we too have lost much, but we hope to be bettered by a unity of institutions, of sentiment, and interests in the future. To this end we propose to start together and in fairness and good faith to inaugurate and carry out the new order of things. We wish to maintain our republican form of government as the best for the prosperity of all, and to secure the happiness and contentment of the

country. We know these blessings are only attainable under a government which commands the affections and rests on the confidence of the people. To this end and for these purposes, we propose amnesty for the past, the repeal of our confiscation laws, a burial of the bitter memories of the past, and that you shall have the same constitutional and legal protection as ourselves.

In my judgment, if this were done, great as the sacrifice involved would be, it would be at once accepted in good faith by the whole South, rather than continue a hopeless war or be subject to military rule. It is the surest, the quickest, and the cheapest way to the permanent pacification of the whole country, and to its happiness and prosperity. The adoption of this policy could not fail to exalt your name and fame to the highest point as a statesman and philanthropist. And I respectfully submit for your consideration whether it is not the only mode of attaining these beneficent ends.

I know that by executions, by exiling, by imprisonment, by disfranchising, and by confiscating the property of those who sustained the Confederacy, the Government can, by the employment of sufficient military force, maintain its authority and continue a paralyzing and blighting reign of terror over the people of the Southern States, and can execute the most bloody and relentless policy. But such a policy would make an impoverished, miserable, and degraded people of them. It would deprive the Government of their affections and respect. It would prevent domestic trade and intercourse among the sections. It would fill the country with banditti and outlaws, and keep the people always on the lookout for some foreign complications or other occasions for a fresh revolt. The national burdens would be greatly increased by the continual necessity of a large standing army, while the energies of the Southern States would be so paralyzed, and its resources so thoroughly dried up, that it would add but little, if any, to the national wealth and revenues. And such a policy would of necessity require a sort of military government and authority wholly incompatible with our system of free republican government. I earnestly beg your Excellency's attention to this view of the subject, and to the reflection that governments can no more disregard just and wise principles without sooner or later having to atone for the error in suffering and sorrow, than physical bodies can disregard the laws of nature and avoid the inevitable consequences.

The friends of the Union claim to have been animated in this struggle by a desire for human progress, for the enlargement of the field of freedom and happiness. Would this be attained by the enfranchisement of three or four millions of blacks, whose capacity for self-government has yet to be tested, and by the disfranchisement of double the number of whites, who have proven themselves capable of self-government, or by the adoption of a policy equivalent to their disfranchisement? Would it promote progress, enlarge the field of their happiness, or redound to the power and glory of the Government, to make an Ireland, or a Poland, or a Hungary of the South?

The question may be asked, who caused all these misfortunes? And it may be said that upon the answer to this depends the answer to the other, as to whether additional suffering is to be produced by the infliction of punishments. This question is substantially answered by the statement of the causes of our trouble in the first part of this paper. But I may say in addition, and appeal to your long and distinguished participation in the political councils of the country, and also to the record of the proceedings and debates of Congress, and to the history of the action of the legislatures and of the people, of many of the Northern States, for the truth of what I say, that the slavery agitation, which was the real cause of this war, originated in the North, where slavery did not exist, and not with the people of the South. That the people of the South were not permitted to live in peace in the Union, and were involved in this war by seeking to go out of it as a means of avoiding the quarrel. And I appeal to the Constitution of the United States, the paramount law of the land, and the solemn compact of Union between the several States to show that slavery was recognized by it, and that no citizen or State had a right to assail or to attempt to bring into disrepute any other citizens or States because of the possession of slaves by the one or of their existence in the other. That to do so was to violate the meaning and intention of this solemn compact of Union, which must have been binding on both sides or neither. I appeal to these facts as to who were the first unlawful aggressors; and I appeal to the history of the country to show that, at the date of the Declaration of Independence of the United States, in 1776, the thirteen colonies which united in that declaration were all slave-holding colonies; and that at the date of the formation of the Constitution of the United States, in 1787, twelve of the then

thirteen States were slave-holding States; and to the Constitution again to show that by its provisions it not only recognized slavery but provided for the continuance of the foreign slave trade for twenty years after its adoption. And I here present these facts not only to show the wrongfulness of this quarrel, and that the people now called rebels did not begin and could not stop it, and were therefore not responsible for it or for consequences which flowed from it, but also to show that those who originated it and are responsible before God and the world for its consequences, made themselves so in defiance of the Constitution and laws of the land, in defiance of the past history of the country, and in disregard of what their own fathers had done and practiced and solemnly agreed to.

This will show to your Excellency and to an impartial world, that the people now called rebels, whose weakness rendered them almost helpless, have been forced by a hard, unavoidable and inevitable destiny, by the inexorable logic of events, which they could not control, into their present position, and frees them from moral guilt at least, and gives them rightful reason to appeal both to the clemency and to the magnanimity of the Government, and to you as its head for generosity and for a tender regard for their situation.

I do not wish to be understood as saying or intimating that all those who have sustained the Union were concerned in this precedent and unlawful agitation, and are therefore responsible for the war. Far from it. I know that thousands North and South adhered to the Union, as a paramount good, and because they did not believe secession to be a lawful remedy for these evils, who had no connection or sympathy with these agitators, and no desire to wrong the South. And I recognize your Excellency to be one of this number. I do not present these views for the purpose of crimination. I pray God for an end of that. But because it is indispensable in a just explanation of our position.

In this connection, and to show that the sense of wrong growing out of this agitation was not confined to the South, it is proper to say that many leading Northern men, in and out of Congress, sustained the Southern and denounced the Northern view of it, and that, for a long time, the Southern view was sustained in many, and sometimes in most of the Northern States. The proceedings and debates of Congress, the messages of governors, proceedings of legislative bodies, and of political conventions and meetings, and the files of

newspapers of the times will fully attest this, as will also your own memory. And it goes very far to show that men are not guilty of crimes when they act on the principles and follow the advice of those against whom their conduct is now said to offend. And this, I submit, should be considered in determining the question of guilt or innocence, either moral or legal.

Another question which has most material bearing on the question as to the legal guilt or innocence of those who opposed the Government, and which may become decisive of it, grows out of the character and form of the Government of the United States. This involves the question as to the ultimate right of a State, in the exercise of its own sovereignty, to sever its connection with the Union, and resume its position as a sovereign power. If this right exists, then the citizens of such States as legally passed ordinances of secession owed their allegiance to their several States, and were thereby absolved from their obligations to the Government of the United States, and were bound to take sides with their own States, or with the new Confederacy formed by them, in any war which they or it might become involved with that Government, and would not be guilty of treason or rebellion toward it. If this right does not exist, then the ordinances of secession of the several States were but legal nullities, and did not absolve the citizens from their allegiance and duty to the United States, and would leave such of them as engaged in war with that Government guilty of legal treason, and liable to the penalties for that crime.

I know your Excellency's fixed opinions on this subject, and therefore do not state the question and will not discuss it with a view to ask a review or change of them. I am appealing to your clemency for the adoption of the most humane and merciful, and, as I hope you may conclude, the most wise and just mode of closing this sad and bloody tragedy, on your own view of the law, and am not asking for a legal decision. The view I have to present on this subject, therefore, is intended to show that, if those in whose behalf I address you are legally guilty, the facts and reasons are such as to show the absence of moral guilt, and therefore to entitle them to your merciful consideration. We assume that the States are older than the Union. That they were separate sovereignties when, for their common good, they formed the Union. That the Constitution was the compact of union, to which the people and the States were parties. That it was a voluntary compact, entered into

for the particular purposes specified in it. That all the powers not specifically delegated were reserved to the States respectively, or to the people. That the States were sovereign as to all the rights and powers not granted to the United States. That in the formation of the Federal Government the distinction was observed between a voluntary compact, depending on the will and consent of the parties to it, and a Government of force having unlimited power and authority. That no power was given the Federal Government to coerce a State by force and power, or to use the military and naval forces for such a purpose. That this was not only negatived by the absence of delegated authority, and by the terms and spirit of the Constitution, but by the rejection of a proposition, made in the convention which formed the Constitution, to give such power. And that the cases of usurpation of or encroachment upon the reserved right of a State might arise, for which no other remedy was provided, and that in such cases it must be the ultimate judge of its rights and remedies, and act on its own responsibility. This much as to the right.

Then as to its application. We believed that the States were sovereign as to their right to control and regulate their own domestic institutions. That no power was given to the Federal Government to interfere with the domestic institutions of a State, or to one or more States to interfere with the domestic institutions of another State. That as to the several States, slavery was a domestic institution, each having the right and power to determine for itself whether it should or should not exist in it. That the Constitution of the United States provided that Congress should pass laws providing for the recapture and rendition of fugitive slaves escaping from one State to another. That Congress had passed laws for this purpose. That some of the legislatures of the free States had passed laws nullifying the laws passed by Congress requiring the rendition of fugitive slaves, and imposing penalties on those who should attempt, within their territory, to execute the laws of Congress on this subject. That a great political party had been organized in the free States on the basis of opposition to slavery, which did not exist in those States and with which they had no right to interfere where it did exist. That this party had succeeded in securing the control of the popular branch of Congress, and in electing a President and Vice-President on issues purely sectional and hostile to the Southern States, preparatory to the overthrow of the Constitution and

the destruction of their rights. Civil war had ensued in Kansas Territory on the slavery question. That John Brown's raid had been made into the State of Virginia, and his failure and death caused the tolling of bells in the Northern cities, the draping of Northern churches in mourning, and showed that his wanton and unprovoked attempt to inaugurate civil and servile war in the South had very largely the approval of Northern public sentiment. And a secret and anti-slavery society of Northern origin, called the "Mystic Red," had planned extensive arson, the murder of whites, and for the running off of large numbers of the slaves in the State of Texas, and which was so far executed as to burn a number of towns, villages and smaller establishments, including county-seats. That against this war of aggression there was no remedy in the Union, and that their only safety was in withdrawing from it and forming a new government friendly to their rights and institutions, and thus removing all pretense that the abolitionists were responsible for slavery because it existed in the government in which they lived.

To these is to be added the fears which the people of the South entertained of the usurpation and consolidation of unwarranted powers in the hands of the Federal Government, to enable those of the North to control the slavery question in the States, secure protection to their own peculiar commercial, maritime, and industrial interests, at the expense of the South, and so indirectly to impose undue burdens, for the support of the Government, on the Southern people.

These convictions were very general and so thorough as to cause them to act upon their belief in the right of secession and to adopt it as the last and only remedy left for their security.

Whether this doctrine be sound or not, the universality of the belief in it then gave the moral quality of good faith to their action on it, and furnished the strongest ground for mitigating their offense if they were in error. And it is of the greatest consequence to them that this is not a new doctrine, but it is as old as the Constitution and was specially promulgated in the Kentucky resolutions of 1798, which were drawn up by Mr. Jefferson, and in the Virginia resolutions of 1799, drawn up by Mr. Madison, and sustained by his great report to the Virginia legislature. Mr. Jefferson was elected President of the United States at the next election after the passage of these resolutions, and was reelected a second term, and Mr. Madison succeeded him for two terms, the two fill-

ing the highest office in the Government, by the choice of the people, for sixteen successive years after the adoption of these resolutions. And to this may be added that many State legislatures from that time forward to the present, running through all the history of the Government, have adopted similar resolutions and affirmed these; that many State political conventions of the Democratic party adopted and affirmed these resolutions from year to year, and that the same was done by the National Democratic conventions, for the nominations of candidates for President and Vice-President, in the years 1852, 1856 and 1860, in two of which years the American people endorsed their doctrines by electing their nominees.

Can it be a crime for men to believe a doctrine so old, so promulgated and accepted and believed by men of such ability and character, and by such numbers of men for three-quarters of a century? God forbid! Shall men be imprisoned, or exiled, or hanged, or have their property confiscated, or be disfranchised for believing political doctrines and acting on them, which have been the basis of the creed of the Democratic party during its whole existence, and the profession of which was the test of political orthodoxy? I do not mean to say that all of this party were secessionists or believed in the rights of secession; but I do mean to say that the advocacy of the doctrine of States' Rights and strict construction was its chief and distinguished merit, and gave it what power and influence it had with the American people. And that the Kentucky and Virginia resolutions and Mr. Madison's report have always been the standard by which this doctrine has been tested, and that these maintained the ultimate right of a State, in the case of unwarranted usurpation or aggression on its reserved rights, to be the judge of its rights and of the remedies to be applied, and that it was not bound in such cases by the authority of the Federal Government, but to be resorted to only when there was no other remedy.

I repeat that I am not now discussing the value or legality of this doctrine, but only endeavoring to show that men might have believed in it, and acted on it, in all honesty and good faith, without being morally guilty of crime. For myself, I declare this to have been true. I believed in this doctrine when I was a decided Union man and was engaged earnestly in combating sectionalism in the South as well as sectionalism in the North, as may be fully shown by my speeches in Congress and by my course before the people, and as you may see

by my circular to my constituents in the spring of 1859, which was published in the *National Intelligencer* of Washington City at that time. I mention this that you may know that if I am wrong in this doctrine I was so before being involved in these troubles and without any reference to them. I see that the question is being discussed in the public prints as to whether it is not necessary for the Government, in the vindication of its principles and policy, and to strike such terror as to prevent any further rebellion against its authority, to impose extreme or at least great penalties on such persons of prominence in the cause of the Confederacy as may be tried and convicted. If the restoration of the authority of the Government, and the pacification and permanent peace of the country could not be secured without the infliction of these calamities, then such a policy might be necessary and proper, without inquiry as to whether the person to be so punished were more guilty according to the views of the Government than the general mass of those who took that side in the struggle. If, on the other hand, the authority of the Government can be restored, and the pacification and permanent repose of the country secured, without the infliction of such penalties, then their infliction could only gratify the bad passions of vengeance and hate, and would be unnecessary and wanton cruelty. I need hardly say to one of your wisdom and experience that good policy and sound statesmanship always rest on reason and justice as their foundation, never on passion or revenge. I am not unmindful of the many causes which exist calculated to stifle the former and to excite the latter. But as the roar of battle dies away, and as the anguish and sufferings of the conflict become softened by the healing balm of peace and time, these passions will subside. And yourself and the eminent men associated with you, remembering the high authority with which you are clothed and the incalculable amount of happiness or of misery which must of necessity flow, for many years to come, from the line of policy you may adopt, will no doubt consider well which of these will control your policy, and guard against error on principles so vitally important.

Such punishments could only be inflicted, in cases like the present, for two reasons—the one to confine or put out of the way a person or persons supposed to be dangerous to the repose of the country, the other to exert a restraining influence over the conduct of others.

Are either of these now necessary? To this I have to say that as the armed power of the Confederacy has ceased to exist, as its civil government is overthrown, and as all the hope of its people for separate national existence is at an end, there is no further inducement for a continuance of resistance to the authority of the Government, if the people are allowed the protection of the Constitution and the laws and the enjoyment of their rights. I believe, now, the appeal to arms having been decided against them, that no further punishment or force is necessary to induce their return to their allegiance to the Government. The passing current of events attests the truth of this, as to those who are free from arrest, in what are called the rebellious States. And the Government has the power of testing the disposition of those in prison.

Again, on the first point, as to any necessity for the confinement, exile, or execution of any of those lately resisting the Government because of their being supposed to be dangerous to the repose of the country, I would say that every reasonable apprehension on this subject has passed away. An organized political power which could be employed against the Government has ceased to exist. An army which might be employed against it does not exist. The people are weary of war and completely exhausted of the means of carrying on a war. They have no arms, no ammunition, no ordnance, no ordnance stores, since the late surrender, and no means of obtaining either. They have neither quartermaster or commissary stores, nor the means of obtaining them. They have no money nor the means of raising it. They have despaired of the achievement of their independence, and desire peace that they may attend to the wants of their suffering families. Under such circumstances, what officer or citizen could be considered dangerous to the peace of the country, or what means could he control to make him so?

On the second point, as to the punishment of prominent actors in the war for the sake of the restraining influence it might have on others in future, I would say that, in the struggle for the establishment of a particular house, or dynasty, or for the maintenance of a throne, or in support of a usurper, relying on his own powers and influence, and unsupported by the precedent political organization or the constitutional authority of those who were his followers, and when the main inducement was to sustain the particular man, or family, or representative of the crown, or to sustain a particular person in a

usurpation not warranted by a precedent organic or constitutional act of the people he led, then the removal of such a leader might put an end to the cause of the war, and might justify, on grounds of policy, his execution, or exile, or imprisonment. But where a whole people unite themselves together, by what they believe to be constitutional acts of a political organization, for the maintenance of their supposed rights, and for the establishment of a government for their common benefit, having no reference to the promotion of the rank or fortunes of any particular person or persons, and in the course of their proceedings elect officers from among themselves, if the enterprise be criminal, or if the cause fail and place them in the power of their adversary, then the guilt, or the consequences of failure, as the case may be, attaches alike to all, and there can be no just reason for selecting one in preference to another as an example or to bear the penalties of all. I have endeavored to show, in previous paragraphs, that there was no necessity for the selection of victims for punishment at all, in order to restore peace and secure the happiness of the country.

The fate and the future of a whole people and vast country are now in the hands of the Government of which you are the head. The consequences which must follow whatever line of policy may be adopted will not stop with them, but must extend to the whole Union, and must be felt by all, for good or for evil, for years, perhaps for ages, after the passions which have been engendered by the contest shall have ceased to exist.

In conclusion may I ask your Excellency to consider:

1st. Whether the people of the States lately resisting the authority of the Government are not ready and willing to renew their allegiance to it, in good faith, without any necessity for increasing the sorrow and sufferings of the country by the employment of a harsh vindictive policy?

2d. Whether it is not better to extend amnesty to all, on their agreeing to do so?

3d. Whether by doing so you will not sooner and more perfectly secure the pacification of the country and the fraternization of the people than in any other mode, and start all again on the high road to individual prosperity and happiness and to national glory and honor; and in doing so secure yourself the consciousness of being a great public benefactor, and achieve a victory greater than was ever won by arms, by securing the triumph of reason over passion, substituting peace for war,

restoring to the country friendship instead of hatred, repose and happiness for the strife and sorrow which now covers the land, and so entitle yourself to all the gratitude and honors your country can bestow.

I hope the gravity of the question herein discussed and my own situation will sufficiently assure you that I would not lightly run the risk of offending your sense of propriety, or of being thought presumptuous in sending you this communication. I have been induced to do so by the hope that I might be able to present some views which would promote the public good, aid in restoring peace and order, and soften the sufferings of my unfortunate countrymen, and especially of such as are in prison and peril as I am.

Begging your pardon for anything which may seem obtrusive or amiss in what I have said, and praying that you may be guided by Divine wisdom in your action, I am,

Your Excellency's obedient servant,

JOHN H. REAGAN.

To be able to understand why such a letter as this one to the President, and the one to Secretary of State Seward were written, it would be necessary for the reader to call to mind the extraordinary condition of the country at that time; and especially the condition of the Southern States, and their people. The people of eleven great States, and the greater part of the people of four others having the heel of oppression on their necks, it became the sacred duty of all those who could speak to do whatever they could to ameliorate those conditions, and to influence the abatement of the passions of war, and the adoption of the policies of peace. And on that view of the subject I acted in my Fort Warren letter, to the people of Texas, which follows this. It can now be seen whether the course I adopted, in the hour of painful trial, was wise and patriotic or not.

APPENDIX C

While still in prison, on the 11th of August, 1865, I wrote the following, popularly known as my Fort Warren letter. I had as a member of Congress, for four years preceding the war, participated in the discussion of the issues which led to it, and my connection with the Confederate Government enabled me to realize the condition in which the war left us. My hope was that by sending this letter to the people of Texas it might influence them to adopt a course which would save them from military government and from universal negro suffrage.

In Prison, Fort Warren,
Boston Harbor, August 11, 1865.

To the People of Texas:

The condition of the country is such as to awaken the anxious solicitude of every citizen. Portions of you have honored me with your confidence on many occasions. I have tried to repay that confidence by sincere efforts for your good, and by faithful service. Though now a prisoner, in solitary confinement, and far from you, without knowing when, if ever, I shall be permitted to mingle with you again, and my children and relatives and friends among you, my anxiety for their and your welfare induces me to ask the permission of the Government to send you this communication. I have tried to form a correct estimate of the condition of affairs, and send you the result of my reflections. The times demand the exercise of thought and reason, and the free expression of opinions. I hope mine may be the least suggestive. As our condition forces unwelcome thoughts and actions on us, and as, in my judgment, your best interests require you to assent to facts and conclusions, and to adopt measures, conforming to the new order of things, which must be repugnant to your past experience and to your reason and prejudices, I take the liberty of suggesting to you frankly that line of action which seems to me best calculated to promote your welfare. I need not assure

you of my sympathy with you, and I trust I need not doubt your confidence that I would advise you to no course which I did not think best for you.

I see that General Hamilton, who has been appointed Provisional Governor by the President, has entered on the discharge of his duties. He will have advised you of the policy of the Government, and of what will be expected of you, and will no doubt call a convention to organize the State government, as is being done in other States similarly situated.

Your condition as a people is one of novelty and experiment, involving the necessity of political, social, and industrial reconstruction, after a sweeping and thorough revolution in all these respects; and this is to be accomplished in opposition to your education, traditional policy, and prejudices.

I do not propose to discuss either what belongs to the past, or the policy of what is now required of you, but to accept the present condition of things, as the result of the war, and of inevitable necessity, and from this, as a starting point, to inquire what policy our people should adopt for the future.

You must, in the first place, recognize the necessity of making the most you can of your present condition, without the hope of doing all you might desire. This is required both by reason and necessity.

The State occupies the condition of a conquered nation. State government and State sovereignty are in abeyance, and will be so held until you adopt a government and policy acceptable to the conquerors. A refusal to accede to these conditions would only result in a prolongation of the time during which you will be deprived of a civil government of your own choice.

And it would do more than this—it would keep questions of the gravest character open for discussion and agitation, and by degrees accustom the whole country to a sort of military government, which, if greatly protracted, must necessarily subvert the civil government, and result in the establishment of a military despotism, without bringing you any nearer to the attainment of your wishes than you are at present. In order to secure to yourselves again the blessings of local self-government, and to avoid military rule, and the danger of running into military despotism, you must agree:

First, to recognize the supreme authority of the Government of the United States, within the sphere of its powers, and its right to protect itself against disintegration by the secession of the States.

And, second, you must recognize the abolition of slavery, and the rights of those who have been slaves to the privileges and protection of the laws of the land.

From what I can see this much will be required as the least that would likely satisfy the Government, and secure to you the benefits of civil government, and the admission of your members into the Congress of the United States.

But even this may fail of the attainment of those ends, unless provision shall be made, by the new State government, for conferring the elective franchise on the former slaves. And present appearances indicate that this will be required by Northern public opinion and by Congress. And our people are in no condition to disregard that opinion or power with safety. But I am persuaded that you may satisfy both without further injury to yourselves than has already occurred. If you can do this, and secure to yourselves liberty, the protection of the Constitution and laws of the United States, and the right of local self-government, you will be more fortunate than many conquered peoples have been. The Government and the people of the Northern States will, I have no doubt, recognize the necessity of your securing these blessings, as important to the whole country, as a means of preserving to it constitutional liberty and the present form of republican government. This is new language to employ in addressing you, and will be as unwelcome to you as it is sorrowful to me. But it would be more than folly, it would be a great crime, for you, and me, and those who may be charged with the duty of reorganizing and restoring the State to the Union, to refuse to recognize the facts of your situation, however disagreeable, and to speak of and deal with them with candor and directness.

While the Government offers its terms for the restoration of the State to the Union, it demands no other sacrifices than those already made by the result of the war, of renouncing the right of secession, and recognizing the abolition of slavery, with its necessary consequences. These demands being complied with, the civil governments will be organized, the military government withdrawn, your members will be admitted to their seats in Congress, and the State will be in the Union on an equality in all respects with the other States; with no further disabilities, save only such as may attach to individuals. While the Government prescribes the conditions of this return, it authorizes the people of the State, through representatives of their own choice, to execute them. It seems to be the object

of the Government, in pursuing this course, to secure what it regards as the fruits of the victory it has won, and, at the same time, to preserve our form of government and the liberties of the people. I know that those who look to the past only, with its sacrifices and losses of principles believed to be true, of property possessed, of national independence sought, and of the heroic dead, may say why talk of liberty now, and of equality in the Union? The answer is, that having attempted to secure and preserve these by an appeal to the God of battles, we failed, and they now, so far as it relates to our political restoration, belong to the dead past, where it is the policy of the conquerors to leave them, and we are required to look to the living present and to the future. If it be thought hard to surrender so much, it must be remembered that such is the fate of war, and we must not forget that by the appeal to arms, whether willingly made or not, we staked not only what the Government exacts, but all our rights and property on the result. That we are not required to surrender all is due, not to the laws of war, but to the enlightened and Christian age and country in which we live, to the liberality of the Government, and to the spirit and genius of our institutions. The questions as to which party to the contest was right or wrong, or as to whether both were partly right and partly wrong, and as to whether we did right or wrong in staking all on the fate of battle, were discussed before the war was commenced, and were decided by each party for itself, and, failing to agree, they made their appeal to the dread arbitrament of arms. It was precisely because the parties could not agree as to the issues between them that they went to war, to settle them in that way. Why should we now think of reopening the discussion of these questions? What good would come of doing so? Wisdom requires us to accept the decision of battle upon the issues involved, and to be thankful that no more has been demanded by the conquerors, and to unite frankly, and as cheerfully as we can, with the Government in carrying out the policy it has propounded. Some of our people seem to still think they can retain their property in slaves under the authority of the Constitution and laws of the United States. If the question had been originally submitted to the courts of the country, instead of to the trial of battle, this might have been the case. But we are not now permitted to claim the protection of the Government which we repudiated and fought against, unless by its consent. It

says to the great mass of our people, you may retain your property except your slaves. They are now free. And unless you agree to this you can neither get back into the Government as a citizen, nor into its courts to assert your claims to slaves or any other species of property. The only wise and safe course for you to pursue is to accept promptly, unreservedly, and in good faith the terms and policy offered, and to go forward in the work of reorganization and restoration to the Union. This requires your assent to great pecuniary sacrifices, momentous changes in your social and industrial system, and a surrender of your opinions and prejudices on most important questions. It is humbling to our self-esteem, humiliating to our pride, and cannot be more unwelcome to you than it is painful to me to feel that duty requires me to give and you to accept this advice. It is not that sort of advice which persons sometimes give but do not accept for themselves. It is for me and mine as well as for you and yours.

To the conferring of the elective franchise on your former slaves, I anticipate stubborn and sincere opposition, based upon the ignorance of the great mass of them, and their total want of information and experience in matters of legislation, administration, and everything which pertains to the science of government, and upon the pride of race. And this objection may be sustained by pointing to the examples of Mexico, and the Central American and the South American States, where by the enfranchisement of the Indians, and negroes, and all others, without reference to race or mental or moral fitness for the exercise of these responsible rights, they have been deprived of the blessings of peace, order, and good government, and involved in an almost uninterrupted series of wars and revolutions, often of the most cruel and barbarous character, for more than half a century, with no present prospect of an amelioration or improvement of their condition. But these difficulties are not insuperable, if you will meet them with patience and reason. I have no doubt that you can adopt a plan which will fully meet the demands of justice and fairness, and satisfy the Northern mind and the requirements of the Government, without endangering good government and repose of society. This can be done by:

First, extending the privileges and protection of the laws over the negroes as they are over the whites, and allowing them to testify in the courts on the same conditions, leaving their testimony subject to the rules relating to its credibility,

but not objecting to its admissibility. And in this you will conform with the wise current of modern legislation and the tendency of judicial decisions in all enlightened countries.

And, second, by fixing an intellectual and moral, and, if thought advisable, a property test, for the admission of all persons to the exercise of the elective franchise, without reference to race or color, which would secure its intelligent exercise. My own views would be: First, that no person now entitled to the privilege of voting should be deprived of it by any new test. I would recognize in this the difference between taking away a right heretofore enjoyed, and the conferring of a right not heretofore exercised. Second, that to authorize the admission of persons hereafter to the exercise of the elective franchise they should be, 1st, males; 2d, twenty-one years of age; 3d, citizens of the United States; 4th, should have resided in the State one year, and in the district, county, or precinct six months next preceding any election at which they proposed to vote; 5th, should be able to read in the English language understandingly; and, 6th, must have paid taxes for the last year preceding for which such taxes were due and payable, subject to any disqualification for crime, of which the person may have been duly convicted, which may be prescribed by law.

The adoption of these measures in addition to those before mentioned, would, in my judgment, meet the ends of justice and fairness, secure the reestablishment of the State government, the admission of her Senators and Representatives in Congress, the suspension of military rule, and the restoration of civil, constitutional, and local self-government. And it would do more. It would secure your protection against other great and pending evils, and is, I am persuaded, of the greatest consequence to your future peace, prosperity and happiness. And for these reasons:

First, it would remove all just grounds of antagonism between the white and black races. Unless this is done, endless strife and bitterness of feeling must characterize their relations, and, as all history and human experience teach us, must sooner or later result in a war of races. We know from sad experience what war is between equals and enlightened people. But of all wars, a social war of races is the most relentless and cruel. The extermination or expulsion from the country, or enslavement of one or the other, being its inevitable end, where they are left to themselves; or the loss of liberty

to both races, when they are subject to the control of a superior power, which would be our situation. I speak of course of the legal rights and status of the two races. Their social relations are matters of taste and choice, and not subject to legislative regulations.

Second, this course would disarm and put an end to interstate, sectional, political agitation on this subject at least, which has been the special curse of our country for so many years, and which was the cause of the unnumbered woes we have recently experienced and still suffer, by depriving the agitators of a subject on which to keep up such agitation, and of the means of producing jealousy, animosity, and hatred between the different parts of the country, and between the different races. And this would do much toward a renewal of the ancient relations of national harmony and fraternal good will between all parts of the country. And this too is of the greatest consequence to our future welfare, and especially to our people, who know there is no hope of escape from it by appealing to the principles of State sovereignty and to the right of secession.

If the State will adopt this policy at once it will attain the great ends heretofore mentioned, and it will save its own people from years of painful strife and agitation on these questions, which would at last, probably after years of contention, be found to be the only means of bringing it to an end, even if we are driven to nothing worse. How infinitely better it will be for you, for both races, for the present and future, for the whole country, if you will unhesitatingly recognize the existing unalterable facts as to your condition, and the inevitable logic of events, and hasten, as it is in your power to do, the return of the blessings of civil government and constitutional liberty; and avoid, as it is in your power to do, the fearful perils which now lie before you.

I know the painful struggles against education, and habit, and tradition, and prejudice, which such a course will require you to encounter, and how hard it is for human nature to overcome such difficulties. But my sincere prayer is that God, in His goodness and mercy, may enable you to exhibit this last crowning evidence, in the midst of your calamities and sorrows, of your greatness and wisdom as a people.

I do not know how far it may be necessary or wise in the convention, and the succeeding legislatures, to change the gen-

eral frame of the State government. But if you will pardon me, there is a subject, in this connection, to which I will call your attention.

For many years past it has been my opinion that we have carried our system of popular government to a vicious extreme, which has developed sad evils, and which required correction. I refer to the frequency of the occurrence of popular elections, to the great number of offices filled by the popular vote, and to the shortness of the terms of office. As our laws now stand, all officers, executive, judicial, ministerial, corporate and military, I believe, with the exception of the secretary of state, the Governor's private secretary, and the clerk of the Supreme Court, are elected by the popular vote of the people, and with the exception of the judges and clerks of the Supreme and district courts, and of State senators, for the short term of two years. And the elections are so arranged that a part of these are elected one year and a part the next, or alternate year, causing a general popular election every year. To this, there are, it seems to me, several serious objections.

First, it involves the too frequent change of officers, and often the loss of skill and experience; and these changes also produce expensive and inconvenient changes of business to a great number of people.

Second, it involves too much expense and loss of time to the public generally, and especially to the large number of candidates, with no compensating benefit.

And, third, which is the main and most serious objection, annual popular elections keep the country in an almost continual political canvass and commotion, and produce and keep up an unnatural and injurious public excitement, for which there is no necessity, and no compensating benefit. And for many years, before the commencement of our late troubles, these might well have produced the impression that the carrying on of canvasses and the holding of elections were the principal business of the country, while the carrying on of the various industrial and professional pursuits, the rearing and education of families, and the support of the Government were but incidental matters. The remedy for these evils may be easily found, and as easily applied, with very great benefit to the public, and with greatly increased credit and safety to our system of free popular self-government.

The one I would recommend would be:

First, to lengthen all terms of office, which are now two, to four years.

Second, to require all general elections, as far as practicable, to take place during the same year, and at the same time.

And, third, to provide: 1st, that the State treasurer, comptroller, attorney-general, and commissioner of the general land office should be appointed by the nomination of the Governor and confirmation of the Senate, as the secretary of the state now is; 2d, that the clerks of the district courts should be appointed by the several judges, as the clerk of the Supreme Court is by the judges of the court; 3d, that the county courts should appoint their clerks and the sheriffs, coroner, assessors and collectors of taxes, county treasurers, county surveyors, and the constables for the several precincts of their several counties; 4th, that the mayor and aldermen or councilmen of all cities and towns should appoint their clerks, marshals, treasurers, and other officers.

This would withdraw the appointment of the vast number of ministerial officers from the scramble, excitement, expense, loss of time, and commotion of popular elections. It would confer the authority for their appointment on responsible, intelligent men, who would have been elected to office by the people, and would be responsible to them; and it would secure their appointment on account of their qualifications and fitness for their several duties, rather than for political considerations, or on account of mere personal popularity, without reference to these qualities. It would give greater dignity and importance to our county courts, which they never can have to a proper extent under our present system.

It would at the same time retain to the people the election by popular vote of the Governor, Lieutenant-Governor, State senators and representatives, judges of the Supreme and district courts, district attorney, chief justices and commissioners of county courts, justices of the peace, and the mayor and aldermen or councilmen of cities and towns; embracing the chief executive officer of the State, and all those who have the power of making laws, or of expounding them or of imposing taxes or other burdens on the people.

And what is of most value, it would render the elections so infrequent and so far apart as to suspend all excitement about them for long intervals, and allow the people to pursue their ordinary vocations free from the repeated interruptions and excitements to which they are subject under our present system; and it would put an end to the corrupting and debasing trade of politics which was created and is being nourished and strengthened by the number and frequency of popular elections.

I am persuaded that some such change as this is essential to the public welfare as well as to the credit and success of our system of government, to the permanency of our institutions, and the repose and security of society. And this will be doubly important now, since such great numbers of people, heretofore slaves, and in great ignorance, are now made freemen, and are to become, in some form, either participants or an element in all our political contests.

With these two lines of policy adopted, I think, notwithstanding all your recent misfortunes, you might look with hope and confidence to the future. The negroes will, it is hoped, gradually diffuse themselves among the greatly preponderating numbers of the whites, in the different States and Territories; many of them will probably go to Mexico, and other countries, in search of social equality, and few or none of their race will be added to their numbers by accessions from other countries. While the steady rapid influx of great numbers of the white races, from other countries, will gradually increase the disproportion in numbers between them and the whites, and so render this new element in society and government innocuous, or at least powerless for evil, if they should be so inclined. But from the general docility of their dispositions we may expect the most of them to be orderly, and many of them industrious and useful citizens. But to secure these desirable ends, it must not be forgotten that it is an essential prerequisite to confer on them their reasonable and necessary rights, and to adopt a policy which will prevent them from becoming an element of political agitation, and strife and danger. And we must bury past animosities with those of our fellow-citizens with whom we have been at war, and cultivate with them feelings of mutual charity and fraternal good will. And it will be greatly to your advantage, in many ways which I cannot trespass upon you to mention now, to hold out inducements to them, and to emigrants from other countries, to come and settle among you, with their labor, and skill, and capital, to assist in the diffusion of employments, the increase of your population, and the development of your vast resources into new creations of wealth and power.

Time, and patience, and wisdom, and justice, mingled with the holy precepts in the New Testament, are necessary to enable you to secure these great and beneficent ends. That you may by the means I have indicated or others secure these results, shall have my constant hopes and prayers.

Very truly and respectfully,

JOHN H. REAGAN.

APPENDIX D

RICHMOND, VIRGINIA, November 8, 1865.

Major GEORGE W. WHITE, Washington, D. C.

MY DEAR SIR: Recurring to our conversation at Washington and to your request for a memorandum of the points I then suggested on the subject of the trial of Mr. Davis, the late President of the Confederacy, I would say that I felt great anxiety to speak with President Johnson on the subject, but did not do so in the short interview I had with him, and did not call on him again for this special purpose because I could not know how he would receive such suggestions from me. Your acquaintance with the President and position toward him may render him accessible to you on this subject, and, if so, I beg that you will call his attention to the following considerations:

First. That if he directs the trial of Mr. Davis it will no doubt be before a civil court and to obtain a judicial decision against the rightfulness of secession as a peaceful remedy for grievances by States of the Union. The passions engendered by the war and greatly aggravated by the death of President Lincoln, have now so far subsided, and peace having been practically restored, if he is to be tried, it will probably be before a civil court. President Johnson, by his course, has shown that he fully comprehends the great responsibilities of his position, and the fact that upon him and the result of the action of Congress at its approaching session, the future of the country is fearfully suspended. If civil government shall be restored to the Southern States, their members of Congress admitted to their seats, their right of local self-government recognized, and these States and people clothed with the protection of the Constitution and laws of the United States, and trusted as in former times, the question will be settled that civil liberty is to be again insured to them, and we shall all be in the high road to prosperity and happiness again; and the President will have enrolled his name high, as a great and wise statesman and benefactor of his country and race, and our free republican form of government will be preserved. The recognition of his views, and the gen-

erous course he is pursuing toward the Southern States and people, is commanding the sympathy and conciliating the feelings of the whole South; and from the great change and softening of opinion in the North, I am led to believe that it will command the approval of the people of that section too. What we now need, and what every patriot must desire, is the restoration of fraternal good feeling and charity and kindness between the people of the different sections of the country. This is being brought about, much faster than might have been expected, by the President's policy. And I am led to believe, from all that I could see and hear, that he is going forward with this policy as fast as public opinion will allow. It is in the line of his policy, and would be its legitimate and most wise and noble consummation, for it to end by a general amnesty as soon as the President can be safe in adopting this course, and there is no act short of this which would do so much toward the restoration of good feeling in the South, and toward securing, both toward the President and the Government, the generous sympathy of all, as the release of Mr. Davis from prison and his restoration to his family and home. I look upon this as the logical and necessary result of President Johnson's policy, and beg of you, if the opportunity offers itself, to present this view fully to him.

Second. If Mr. Davis should be tried before a civil court I assume as a fixed fact that the President would direct a fair and impartial trial. He would neither consent to the injury of his own reputation nor the character of the Government by allowing him to be tried before prejudiced or partisan judges or a packed jury. And to my mind there may be most weighty reasons why the Government should not desire to put Mr. Davis on trial, looking from the point of view which the President doubtless occupies. The only reason for a trial, as before suggested, would be to secure the determination by the courts that secession is not a lawful remedy for grievances. This question, whatever the theory of the Constitution may have been, has now been practically settled by a most awful and fearful appeal to the ultimate and most terrible of tribunals and by the sacrifice of hundreds of thousands of valuable lives and of thousands of millions of dollars. All know that henceforward secession is war, and hereafter it will only be regarded as another name for revolution. Now, it seems to me, with all respect, that after the question has been so settled by so august an appeal to the dread arbitrament of arms, that the trial of any man in a civil court to settle the same question would only be an unworthy afterpiece to a great tragedy.

Third. If he should be tried, the decision of this question of the rightfulness of secession would be made to depend on the verdict of guilty or not guilty, to be rendered by the jury, and that without right of appeal to the Supreme Court, which is not provided for in such cases. And this would depend not upon the abstract consideration of the law of the case, but upon the law and the facts, the intent of the prisoner being also an element which would enter into their consideration; and, as in other criminal cases, he would be entitled to the benefit of any reasonable doubt which might arise as to his guilt. His counsel might, to explain the motives and intent with which he acted, introduce the Kentucky and Virginia resolutions of 1798 and '99, and the resolutions of many other State legislatures running all along through their subsequent history, and of many State conventions, involving the right of secession. They might also offer in evidence the proceedings of many State and National political conventions, asserting the same doctrines, through a long series of years. They might also introduce in evidence the opinions of Hon. Josiah Quincy of Massachusetts, and the proceedings of the House of Representatives in relation to them, amounting to a quasi-endorsement of them, growing out of the last war with Great Britain. And the views of Mr. Rawles on this subject, given in his Commentaries on the Constitution, and of Mr. Wheaton in his work on International Law, both Northern men and writers of great learning and ability, who could not be presumed to be influenced by any other consideration than a sincere desire to ascertain and state the true theory of the governments, State and National, under which we lived might also be placed in evidence in which they concluded that the Federal Government had no right to coerce a refractory State. They might also introduce in evidence, for this purpose, the messages of numerous governors of States, embracing those of many of the Northern and probably all of the Southern States; speeches of Senators and Representatives in Congress from all parts of the Union, and the messages of Presidents to show that the doctrine of secession was as old as the Constitution and has been constantly asserted all through the history of the Governments by brave legislative bodies and by conventions, and by high official personages, both in the Federal and the State governments. And these being presented to it, is it at all probable that an impartial jury would say that all these contemplated, meditated, designed treason, and that Mr. Davis should now be sentenced to death as a traitor for

believing and acting on these views? Is it not possible, and even most probable, that we should have this question practically settled against secession by war, and in favor of it by a verdict of not guilty, and thus reach a result the very reverse of what is desired by the government?

The question may arise as to why, with these views, I should wish to avert such a trial. The answer is that I sincerely desire to see peace and order and good government and good feeling restored throughout the land; that I believe a trial would cause unnecessary perplexity and difficulty to the Government, and would be likely to unsettle the question of the right of secession. And I object to the trial because it would increase and prolong the vexations and sorrows of Mr. Davis, without tending to any valuable result, and would revive the exasperation of feeling between the people of the different parts of the country now happily, under the President's policy, being rapidly allayed; and because it would tend to increase the difficulties in the way of the full execution of the President's policy for the early restoration of the country to its former condition of constitutional government and civil liberty. And I believe there never was a period in this or any other country when magnanimity and trust and confidence between the government and the people, and between the people of the different portions of the country, was worth more or could be employed with greater advantage; or when the employment of mere force would do more injury or inflict a more irreparable wound on the cause of constitutional government and civil liberty.

I beg, my dear sir, your best efforts to present these views to the President, not as an official paper for file, but at the earliest time at which you can get access to him, when he may be able to spare the time to hear you. And I should suppose this might be most satisfactorily done at his residence of an evening. You can do so by a verbal statement, or, if you think it advisable, when you present the subject you may read this memorandum to him. He may have considered this and all of the other views of which this case is susceptible, but the pressure of great questions so constantly on him may have prevented him from considering the whole question in this aspect, and, in any event, I hope for good to result by calling his mind to this line of thought. I cannot doubt that he will see it will be best for the whole country, best for humanity and best for his own fame. Providence has placed the happiness and prosperity and liberty of his country, as well as the control of his own record for

posterity, in his own hands, and I have faith to believe that he will recognize, in this general line of thought, the true means to preserve each and all of these.

Please do all you can for the release of our friend, Governor Lubbock, and write to me at Anderson, Grimes County, Texas, whether you succeed in getting this matter before the President. I think it important that you should get the President, if possible, to consider these matters before he prepares his message for Congress.

Very truly, your friend,

JOHN H. REAGAN.

APPENDIX E.

FORT HOUSTON, NEAR PALESTINE, TEXAS,
October 12, 1866.

GOV. J. W. THROCKMORTON.

ESTEEMED FRIEND: I have avoided participation in the discussion of public questions since my return home last winter, because I am still a prisoner on parole, and subject to the pleasure of the Government, and because of the disfavor with which the letter I wrote from my prison at Fort Warren was received by the people. But I think the time has come, in view of our situation, present and prospective, when I should be unfaithful to the most sacred duty of the citizen by refusing to contribute whatever I may to the public welfare. And I can do so with the greater freedom now, as our State officers and Senators to Congress will be chosen on the 15th inst., which will disembarrass the discussions of great public questions by disconnecting them from any political canvass or personal aspirations, and leave the subjects to be discussed to rest on their own resources. Our long acquaintance and friendship, your position as Governor of the State, my confidence in your capacity to comprehend our situation, and in your political integrity and moral courage, induces me to ask your perusal of this letter and your most serious consideration of the subjects which I desire to call to your attention.

Our struggle for independence and separate nationality came to an end in April and May of last year, by the surrender of our armies. Our people promptly recognized our overthrow, and also the necessity of submitting to its logical results, a part of which were the surrender of our institution of slavery, the abandonment of the doctrine of secession as a practical remedy for State grievances, the return of their allegiance to the Government of the United States, the repudiation of the Confederate debt, and the consent, implied in the renewal of their allegiance, to bear their part in the burdens of the Government of the United States, including the payment of the national debt.

I think my situation and means of information, from the time of the surrender of our armies to the meeting of the last session

of Congress, enable me to understand the opinion and purposes of the Northern people; and that the masses of them were pleased with the prompt and spontaneous action of our people in accepting the results of the war, and that they, with some exceptions of persons and localities, but not sufficient to thwart the general will, were anxious for speedy reconciliation, the restoration of fraternal good will, order, peace and prosperity. But their purpose was distinctly manifest that a final adjustment could only be made on the conditions of securing complete protection to the persons, property and rights of the negroes, and the conferring of either the general right of suffrage on them, or the right qualified by the tests of intelligence or property, or both, with the extensions of the same tests to the white race.

A compliance with these conditions, and those previously mentioned, was all, in my opinion, that was then necessary to secure the restoration of the civil government in the several States, the admission of our Senators and Representatives to their seats in Congress (subject to the test oath, the law prescribing which would in all probability have been repealed), the withdrawal of the military from among us, the termination of the duties of the Freedmen's Bureau, and the restoration of order, peace and security to the great mass, and possibly to all, of our people.

The Southern States have complied with the demands made on them in relation to the freeing of the negroes, in relation to the doctrine of secession, by the citizens returning to their allegiance to the Government of the United States, by the repudiation of the Confederate debt, and by the assumption of their portion of the burdens of the General Government. They have also made provisions in their Constitutions and laws for the more or less perfect protection of the persons and property of the negroes, and in some or all of the States they have provided that they may testify in the courts, in cases in which negroes are concerned. But in none of them, except in the case of South Carolina, has it been provided that the negroes shall be witnesses in all cases, nor has any provision been made extending the right of suffrage to them, in any form, in any of these States. Is it the deliberate purpose of our people, after having complied with all the other demands imposed on them, to sacrifice their rights, property and liberty, and all that is valuable and dear to them, rather than confer these privileges and the protection of equal laws on the negroes? And is there an intelligent and well-informed man in the whole South who does not know that we will

not be represented in Congress, or freed from the embarrassments and dangers which now threaten us, until we do extend these privileges to the negroes? There are persons who assume that President Johnson is opposed to negro suffrage, but such persons are not well informed. He justly denies the authority of Congress to prescribe the qualifications of electors, because Congress has no right under the Constitution to do so. But in a dispatch to Governor Sharkey, of Mississippi, last summer a year ago he urged the importance of giving the right of suffrage to the negroes, and he has on other occasions said that as a citizen of Tennessee he would be in favor of the State allowing the negroes the privilege of voting; and he all the time demanded for them the protection of the laws. And if these States had complied with his wishes on these subjects he would not now have been so heroically fighting a hopeless political battle for the constitutional rights of all, and his policy would have carried most of the Northern States in the election of this fall, and the next would have been a conservative Congress.

Impressed with a full and clear conviction of what would be their demands of us before our State and people would be permitted to enjoy their full rights and privileges in the Union, on the 11th of August, 1865, I wrote from my solitary confinement at Fort Warren an address to the people of Texas, telling them what would be demanded of them, as the condition of their restoration to their rights as citizens, to security and repose, and to the restoration of civil self-government to the States, and representation in Congress. And I gave such reasons as seemed to me to be conclusive that they should promptly accept what seemed to them the demands of our conquerors, rather than leave the settlement of those great questions open until a system of military government should be inaugurated by Congress, and our future condition and hope made to depend on the complications of the politics of the Northern States, and subject to the evil passions which would probably grow out of such complications. The letter was addressed to the then Provisional Governor Hamilton, and the original may be on file in your office. If so, and your legislature will permit, I would ask you to read it now, in the light of events which have transpired since it was written. If you do so you will probably see that I was not mistaken in pointing out the consequences to our people which would follow a failure to adopt its recommendations. In it I told our people that in addition to the requirements in relation to the freeing of the slave and the repudiation of the doctrine of

secession, they must consent to give the negroes the protection of their persons, property and rights by law; that they must allow them to be witnesses in the courts on the same conditions that applied to whites, and that they must provide that, as to all persons hereafter to be admitted to the exercise of the elective franchise they should be able to read intelligently in the English language, and to show that they had paid the last taxes due, before they could be allowed to vote; and that these conditions were to be imposed alike on white and black; that in adopting any test which could exclude the ignorant mass of negroes from the polls and thereby avoid the evils and dangers of universal negro suffrage, it was indispensable to make it acceptable to the North, and so secure our rights and safety, to make it applicable to both races. And I urged in that letter that policy would promote our future welfare by causing the negro race among us to feel that we were still their friends and protectors, and of securing their contentment and disposition to industry and order, and of preventing the evils of their discontent and the danger of an ultimate war of races, and by giving them all the rights which could in reason and justice be demanded for them, prevent their longer remaining an element in the politics of the country, to distract, divide and embitter the feelings of the people of section against section, and of race against race.

The omission of the Southern States to adopt this policy promptly caused the adoption by Congress, at its last session, of the alternative policy. This produced the new freeman's bureau law and the civil rights law of last session, and the adoption by Congress of the proposed amendment of the Constitution—all designed to give that protection and those rights to the negroes which our legislatures had neglected to give, and to repress and control the spirit from which the neglect arose. Such a line of policy was to have been foreseen by all who rightly contemplated the then existing conditions of things, and who looked wisely to that future which is now partly—and for our country sadly—revealed. It has also produced those new and difficult complications which no wise man could avoid foreseeing, and which greatly increase the embarrassments which would have then attended an adjustment of all our troubles. Other considerations have had their influence in producing the present state of affairs, such as the evil and ill-controlled passions of the less rational and less intelligent of both sections, and the spirit of political partisanship, and the love of power and place, of a portion of the people of the Northern States, which subordinated the true inter-

ests of the country and the spirit and letters of the Constitution, the great bulwark and shield of the American liberty, to the supposed necessities of party. To these latter I am not so situated as to appeal with any hope that my views would be favorably received, because of the part which I took in the late struggle. But to your Excellency, and to the people of Texas, and to all those with whom I have sympathized and served and suffered in that struggle, I have a right to appeal for the adoption of such a line of policy, on our part, as will secure the restoration of liberty to our country, the recognition of the rights of our people as citizens of the United States, the preservation of what little property we have left, and the restoration of peace, order and prosperity to the country again; or, if we fail in the attainment of these great ends, as will show to the world and to posterity that we had done all that could reasonably and rightfully have been demanded of us in order to their attainment.

To this end I would urge you to use your great influence, and that of your official position, to induce the legislature, now in session,

First, to pass such laws, in execution of the provisions of our recently adopted constitution, as will give the negroes full and perfect protection in their persons, rights and property, and free access to the same courts on the same terms with the whites.

Second, as would cause them to be received as witnesses in the courts on the same conditions in all cases as the whites, making no objection to the admissibility of their testimony on account of their color or race, and leaving it, as is the case with all others, subject to the test of credibility.

Third, the adoption of such a test as will require all those who shall hereafter be admitted to the exercise of the elective franchise to be able to read intelligently in the English language, and to have paid all taxes due; making this test applicable to all, without distinction of race or color.

Fourth, equal taxation in all respects upon whites and negroes, and the setting apart for the education of negroes of that part of the fund collected from them; and provisions for employing this fund for their education as soon as it shall become large enough to be made available.

There is reason to hope that the adoption of these provisions would be accepted by the Northern people and by the Government as a sufficient guarantee that our people had accepted the results of the war in good faith, and had in this done everything that could be done by them to give full freedom, security

and protection to the negroes, and to encourage them to industry and self-support, and to mental and moral improvement; and if partisan spirit and animosity should for the present induce the majority of Congress to refuse to accept the adoption of these measures, with those which have heretofore been adopted, as sufficient to entitle us to representation in Congress, and to all the privileges of local self-government which are enjoyed by the other States and the people of the Union, and to the protection of the Constitution and laws of the United States, it would be made clear to the world, and to the judgment of all just and impartial men, that it was not for any fault of ours, but because they had determined to persecute and oppress a conquered people, and to that end to subvert the Constitution and establish military government over all these States, and thus to inaugurate a policy which must, as long as persisted in, prevent the payment of the national debt by diverting the public funds to the payment of the expenses of the large army and great number of officers which would be required to carry out their policy, and by the impoverishment of so large a section of the Union, and the destruction of its resources to such an extent as to render it unable to contribute in any considerable degree to the revenues of the country; to increase the bitterness of feelings between the sections, and encourage feelings of hostility between the whites and the negroes, which would probably lead to a war of races; to create a longing by the oppressed for a war between the United States and foreign powers, which would give them a chance to better their condition by a change of government, or at least change their master, and as would necessarily lead to fundamental changes in the character of the Government, and to the ultimate loss of liberty to the whole people, and to the destruction of our system of free republican government, and the crushing under some form of monarchy, or swallowing up in the terrible maelstroms of anarchy of this fair fabric of political and religious liberty, whose Constitution and early history would be the only monument of the wisdom, virtue and patriotism of its founders.

And these considerations, and others which connect themselves with these and must be apparent, must address themselves to the thinking men of the North, and I have no doubt will enable them to convince the less wise and more reckless of the necessity of accepting these terms, and of so avoiding the great evils and dangers which now lie before us, and of securing to themselves and to us the great blessings which would follow.

In relation to the first of the foregoing propositions, the constitution of this State, recently adopted by the vote of the people, provides, Article VIII, Section 1, as follows:

African slavery, as it has heretofore existed, having been terminated in this State by the Government of the United States by force of arms, and its re-establishment being prohibited by the amendment to the Constitution of the United States, it is declared that neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in this State; and Africans and their descendants shall be protected in their rights of person and property by appropriate legislation; they shall have the right to contract and be contracted with, to sue and be sued, to acquire, hold, and transmit property; and all criminal prosecutions against them shall be conducted in the same manner as prosecutions for like offenses against the white race, and they shall be subject to like penalties.

It is incumbent on the legislature to provide, by the appropriate legislation mentioned in this article of the Constitution, for carrying it into effect, as well as to secure the great ends therein proposed to be effected by it. The legislature of the State of South Carolina, at its recent session, impressed with a sense of the necessity of such a measure, passed an act as follows:

IV. The statutes and regulations concerning slaves are now inapplicable to persons of color; and although such persons are not entitled to social or political equality with white persons, they shall have the right to acquire, own, and dispose of property; to make contracts; to enjoy the fruits of their labor; to sue and be sued; and to receive protection under the law in their persons and property.

V. All rights and remedies respecting persons or property, and all duties and liabilities under law, civil and criminal, which apply to white persons, are extended to persons of color, subject to the modifications made in this act and other acts hereinbefore mentioned.

The action of this gallant State may well furnish a persuasive example to others similarly situated, and exhibits a good sense equal to the patriotism shown by her people in our contest for independence.

On the second of the foregoing propositions our recent convention provides in the constitution, Article VIII, Section 2, that:

Africans and their descendants shall not be prohibited, on account of color or race, from testifying as witnesses, in any case, civil or criminal, involving the right of injury to, or crime against, any of them, in person or property, under the same rules of evidence that

may be applicable to the white race; the credibility of their testimony to be determined by the court or jury hearing the same; and the legislature shall have power to authorize them to testify as witnesses in all other cases, under such regulations as may be prescribed, as to facts hereafter prescribed, as to facts hereafter occurring.

The delusion prevails extensively with the public that this clause of the constitution only allows negroes to testify as between negroes, and not against white persons, but its provisions are that they shall "Testify orally as witnesses in any case, civil or criminal, involving the right of, injury to, or crime against any of them in person or property, under the same rules of evidence as may be applicable to the white race"—and it matters not whether the right, injury or crime be effected by the act of a white person or negro, if it is an injury to a negro the testimony of a negro is to be received in relation to it. And as the testimony of negroes is to be received against white persons in all cases where persons of their race are parties, under this provision it would seem that this privilege was secured to them in the cases in which their prejudices would be most likely to be enlisted, involving the rights of their own race, and that there would be even less danger in allowing them to testify in cases between white persons, for in such cases they might be expected to be less partial and prejudiced, because in them the rights of none of their own race would be involved.

On this point the above-quoted act of the legislature of South Carolina provides that:

All persons heretofore known in law in this State as slaves, or as free persons of color * * * shall be affiants and give evidence the same as white persons.

The adoption of this principle is not only necessary in order to meet the demands of the Northern public opinion, but since the recent change of the relations of the negroes to the Government and society, is wise and necessary as our own local policy, because it will cause the negroes to feel an increased sense of security among us, and to confide in us as friends; and because it will facilitate in many cases the attainment of the ends of justice and serve as an additional check on vice and crime. Suppose, for example, that a white man should employ a negro to do an act of malicious mischief, or to commit a crime against another white man, and that this fact was known only to negroes. The guilty employer of the base instrument must go unpunished, unless negroes are allowed to testify in cases between white per-

sons. Or suppose one white person should commit an assault, or battery, or murder, on another white person, or a theft, arson or burglary, and this should be known only to negroes. Should the offender go unpunished? And this enlargement of the rule allowing all persons to testify who may have knowledge of the facts of the case is in accordance with the tendency of modern legislation and judicial decisions in all enlightened countries.

In reference to the third position, I have to repeat substantially what I said in my letter from Fort Warren—that I understand the sincere opposition of our people to conferring the elective franchise on the negroes, even under a test of intelligence, on account of the ignorance of the great mass of them, and their want of information and experience in matters of government and law, and everything which pertains to the interests of society at large, and more especially on account of the difficulties which arise from the pride of race, and from our traditional aversion to anything which seems to tend to political equality with an ignorant and degraded people, who have been for ages slaves, and for the most part limited in their employments to the ruder sorts of labor and to menial offices. No one can be more sensible than myself of the great danger to our system of government, and to the best interests of society, of conferring the right of suffrage on the whole mass of our negro population—or of universal suffrage, as it is called. Of the effects of such policy we have the saddest warning in the history of Mexico, and of Central America and the South American States, where the zeal for liberty and progress induced these governments to clothe with the elective franchise the native Indians, who were both uneducated and unacquainted with political matters, and especially with systems of free popular government, where they formed numerically a large element, and on the negroes and mixed bloods, who, though less numerous, were possibly more ignorant than the Indians. From this great error sprung chiefly, no doubt, the succession of revolutions and wars in these countries, often the most bloody and cruel, which have continued for more than half a century, and from which the patriot and philanthropist can hardly look with hope to a future which shall promise repose, security and happiness to their people.

The intelligence of the white race with us, and its education in and long exercise of the privileges and duties of citizens of a government, and their preponderance in numbers and the influence they may retain over the negroes by a wise and liberal policy toward them, might make the danger of conferring the

elective franchise on them less than it was with the people of these countries, where even the Europeans and intelligent classes did not understand the principles of free popular self-government, and had no experience in the exercise of the duties of citizens and legislators in and for such a government. Republics, of all governments, require the greatest amount of intelligence and moral virtue in their people to give them stability and preserve them from decay, and no one can doubt the evil influence, and even the great danger to the permanency of our system of government, and to the preservation of popular liberty, of admitting to the exercise of the elective franchise the whole body of negroes in the Southern States. And nothing short of the necessity of preserving the rights of the white race, and of avoiding a change of the relative position of the two races, could justify us in consenting to it.

With these facts and reasons before us, on the one side, we have, on the other, our own condition, with a limited control of our State government, which may be terminated at any time by a Congress in which we have no voice; the jurisdiction of the Freedmen's Bureau, and that under the Civil Rights Law extended over us, both foreign to our system of free government, destructive of the principles which give security to person and property, and dangerous to liberty; a crusade being now practiced against us by reckless Northern agitators, who are ignorant of the spirit with which we again offer our allegiance to a common government, of the condition we are in, and of the necessities of our situation, and unwilling, it would seem, to accept any assurances we can give them; by Northern office-holders in the South interested in the perpetuation of their power and salaries; by Southern correspondents of Northern newspapers, who retain their employment by furnishing falsehoods to keep alive Northern agitation, and by the Southern men, who, embittered against their fellow-citizens and neighbors, have gone North to gain notoriety and the applause of the rabble, with most probably the expectation of returning as a sort of pro-consul, to rule when the State government shall be annulled, and we are placed under military rule, fulminating in the name of Southern loyalty, the grossest and most wicked falsehoods against us, invoking war, confiscation and death on the Southern people, and appealing to the Northern people for universal negro suffrage and proscription of large numbers of the Southern people from the same right as the widest ground on which those States and people shall be restored to such rights as may be left them. And in

addition to these, we see from all our sources of information that the right of the negroes among us to vote in some form is demanded, and has been steadily since the close of the war, in some form, as a *sine qua non* to the giving us the security and protection of the Constitution and laws, and to our States their equal position in the Union.

Now it becomes us to consider whether we cannot satisfy this demand, and at the same time to avoid the loss of our own rights and the dangers of universal negro suffrage. I think this can be done by conferring the elective franchise on those of them who are possessed of sufficient intelligence to exercise it, and by making the test which shall secure this standard of intelligence to apply to such of the white race as shall hereafter be admitted to its exercise; for a limitation which would only affect the negroes, and would allow whites of a less degree of intelligence, according to the standard adopted, to vote, would do no good toward securing the great ends we desire to attain. And I have not doubted, since after our overthrow, that we had sooner or later to concede negro suffrage in this qualified form, and universal negro suffrage. And I now tell you that those who oppose negro suffrage in this qualified form elect by this act to force universal negro suffrage on the country, and ought to be and will be held responsible by our people for it when it comes, and they ought no longer be allowed to shield themselves under pretended ignorance from the consequences of such criminal demagoguery. And if this plan, or some equivalent one, be not adopted by our legislature, the day is not distant when the people of this State will hold them responsible for having refused to see and comprehend these facts, and thereby forcing on the State the disfranchisement of the whites, as well as universal negro suffrage.

It is known that many Northern men who support the radical party and policy would accept this plan as equitable, and as conferring the elective franchise on all now capable of exercising it with safety to the public interests, while its tendency would be to induce others to qualify themselves for this exercise, and thus to elevate this race, if that be practicable, in the scale of intelligence, and in every way the better to fit them for the duties and responsibilities of citizenship.

Mr. Greeley, one of the ablest and most sincere friends of the negro race, has, through the *Tribune* newspaper, which exercises a very large influence over Northern sentiment on this subject, expressed his willingness to concur in this plan. And it

would have the support of the example of a number of the Northern States, including Massachusetts, in which such tests are prescribed, and of the fact that no Northern State has yet conferred the right of suffrage on negroes, except under tests of intelligence, or of property qualifications, intended to secure its intelligent exercise—and reason, good policy and a decent respect for public opinion would conspire to prevent them from insisting on a broader rule for us, where, on account of the great number of negroes, the danger would be greater than for themselves.

In relation to the fourth of the above propositions, the constitution of this State provides, Article VII, Section 27, that:

> Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained or directed by law, except such property as two-thirds of both houses of the legislature may think proper to exempt from taxation. The legislature shall have power to lay an income tax, and to tax all persons pursuing any occupation, trade or profession; provided that the term occupation shall not be construed to apply to pursuits either agricultural or mechanical.

This provision of the constitution precludes the necessity of any argument to enforce the principle of equal taxation on all.

On the other branch of this proposition the constitution provides, Article X, Section 7, that:

> The legislature may provide for levying a tax for educational purposes; provided the taxes levied shall be distributed from year to year, as the same may be collected; and provided, that all the sums arising from said tax, which may be collected from Africans or persons of African descent, shall be exclusively appropriated for the maintenance of a system of public schools for Africans and their children, and it shall be the duty of the legislature to encourage schools among these people.

The carrying into effect of these two provisions of the constitution, by the necessary legislation, would cover my fourth and last proposition. The first provision must, of course, be carried into effect by the present legislature, in providing for the assessment and collection of the taxes necessary for the current support of the government. Weighed down, as we are at the present, under poverty and disabilities, and National and State indebtedness and taxation, it could hardly be expected that the legislature would now carry into effect the latter provision by imposing an additional tax for educational purposes; and it

may be found necessary to defer, until times of greater prosperity, the carrying out of its wise and beneficial provisions, in the spirit of the section of the constitution above quoted.

Such legislation will carry into effect the provisions of the constitution quoted in the examination of these several propositions, giving the same legal protection to the persons, property and rights of the negroes which is secured to the whites; the same remedies for their enforcement, the same privilege of testifying in the courts, and the same rule, under whatever test the legislature may see proper to adopt, for admitting them in future to the exercise of the elective franchise which shall be applied to the whites. If these measures shall be adopted at its present session before the opening of next Congress, and before the renewal of Congressional action and agitation on these subjects, they could not fail to have a most beneficial effect on the interests of our State and people, and might secure the early admission of our Senators and Representatives to their seats in Congress, and the removal of many of our present embarrassments, and satisfy Congress, as fully as would our adoption of the proposed amendment of the Constitution of the United States, of our good faith and loyalty to the Federal Government, and thus preserve the rights of the large class of our citizens who would be disfranchised by the adoption of that amendment. And who will doubt that the adoption of these measures would be more wise and beneficial to our people than to refuse to adopt them and remain under our present disabilities and liability to the adoption of the constitutional amendment, and to the horror of the plan of Mr. Stephens, of Pennsylvania, for the final settlement of our past troubles, which would involve us in new disasters infinitely surpassing in cruelty and atrocity anything we have yet experienced, by declaring our State governments nullities, putting our people under military rule, confiscating the property of those who participated in our recent struggle, and applying it to the payment of the expenses and damages of the war, and by conferring on the negroes all the franchises which we have heretofore enjoyed, and making them our superiors and rulers.

Frightful and horrible as this picture is, our people ought now to be admonished, by what is daily transpiring in the Northern States, that its realization is possible, unless they take such steps as are in their power to avert such a calamity. And if our legislature should fall so far below its duty, and the emergency of the times, as to neglect the performance of these duties, the peo-

ple of the State, in mass-meetings, should demand of them the necessary action or their resignation, in order that their places may be filled by those who will act. And let it be borne in mind that the adoption of these measures will deprive no white man of a single right which he now possesses, and may be the means of restoring to them many rights which are now withheld from them and that they only enlarge the rights of others so as to benefit them and the public at large. And let the question be asked by every citizen of himself if he can object, on the score of any infringements of his own rights, to these measures, and if his only objection does not arise from his prejudices and passions. And then let him ask himself if his prejudices and passions prevent him from doing justice to others, from adopting a wise policy for our own local interests, and a policy which may save us from misfortunes and sorrow, from the contemplation of which our minds turn away with dread and horror, whether it lies in his mouth to complain of wrongs done to us through the prejudices and passions of others, and whether, if our own folly shall invoke on us more troubles and sorrow, we can or ought to expect the sympathy of mankind when they come.

There is one more argument I would address to those who may be influenced by selfish motives, and who may be unable or unwilling to act upon reasons of justice, sound policy and patriotism. I fear it is too true, here, as well as elsewhere, that in a popular government like ours there are too many seeking positions of public trust and honor who will assent to and advocate any principles, or oppose any policy, if by doing so they can, for the time being, secure their promotion to or continuance in office. And such men understand that the passions of men are more easily acted on than their reason, and are far more likely, in the masses of men, to influence them than their reason. This is one of the great evils to be guarded against in our system of government, and the adoption or the rejection of this theory, in the practice of public men, marks the boundary between the patriot and the demagogue. To such men I would say, whether they now hold office, or expect in the future to do so, they might do well to inquire whether a refusal to adopt such measures as will propitiate Northern sentiment may not cause all those in office to be turned out, and those who expect to hold official positions in the future to be rendered incapable of holding them by the adoption of the constitutional amendment, or even by more proscriptive measures. And if there be any now in our legislature who would sacrifice the public good,

either from moral cowardice, or because of the wish to pander to the passions and prejudices of their constituents, and secure their reelection to office, they may well inquire whether there will be another legislature convened under our authority, if we refuse to adopt such measures as those above recommended, and whether, if this should be, they may not be rendered ineligible to a seat in it

In any event, let all remember that though reason may be stifled and overborne for the time it will sooner or later assert its power over the popular mind, and that those who lead in the clamor against it are always the first victims of popular opinion when it resumes its sway. Your Excellency and the members of the legislature have accepted the responsibilities of your several positions, and cannot shrink from them if so inclined; and failure to act wisely, boldly and promptly in these matters will unfold to you and them, in the near future, the terrible extent of that responsibility to yourselves, and its effect on our people and State.

I have spoken plainly and strongly, and avoided glittering generalities, because the condition of our people and country demands of every one who would discuss our situation, and the remedies for it, truth and fidelity to principles, candor and directness, and because I have no ends to serve but those of my country. On my own account I would gladly have shrunk from the responsibility of sending you this paper, and from giving it to the public, which it is my expectation to do; but duty to my family, and friends and fellow-citizens would not allow me to longer remain silent when everything dear to us is at stake, and when, so far as I know, no voice is being raised in this direction to save us. I do not forget that when fourteen months ago I addressed similar opinions to the people of our State they not only rejected them, but many impugned the motives which induced me to write them. But if human experience and reason are worth anything, when they re-read that letter now, in the light of events which have transpired in that time, and in view of the prospects before us, they will hardly question its wisdom, or the purity of the motives which induced me to write it. If they should do so I may be excused for saying that I have been a citizen of Texas for more than twenty-seven years; that for more than twenty years of that time I have filled various public offices; that for fifteen years of that time I have filled official positions of high public trust, in the State, in the United States and in the Confederate governments; that I have tried to per-

form faithfully all the duties which these positions devolved on me, and to execute faithfully every trust which was confided in me. I think my fellow-citizens will accord me the honor of having never advocated a measure simply because it was popular, and of not having declined to avow my opinions on public questions because they were unpopular, when my duty required me to speak. I have neither deceived a friend nor betrayed a trust, public or private. In my last canvass for a seat in Congress of the United States I risked whatever of popularity I had in combating measures which I thought led to disunion, and the advocacy of measures designed to prevent it. But when the war came I felt that we were the proposed victims of aggression and wrong, and stood by my section in the defense of our rights, of the graves of our fathers and the homes of our families. I did all, and suffered all in my power for our success, and when the dreadful crash came, and many were seeking their personal safety, I stood by our noble and heroic chief until we were made prisoners together, preferring whatever fate might befall me to the sacrifice of duty and manhood. In this contest I lost nearly all the available means I had for the support of my family. I have suffered imprisonment and peril, and am still a prisoner, and liable to trial and death for having served but too faithfully those who, since my letter from Fort Warren, have been traducing and denouncing me for it. From comfort and plenty I am reduced, by my devotion to their interests and cause, to poverty and to daily toil for the support of my family. With such a past I could hardly be expected to engage in sentimental whinings over that which I could not prevent—which we all could not prevent. And I am persuaded that when that past is supported by such facts and reasons as I now offer, I may reasonably expect that what I may say in behalf of my suffering countrymen and the land of my home and hopes will not again be misunderstood or misconstrued.

With much respect,

Your Excellency's friend and obedient servant,

(Signed) JOHN H. REAGAN.

APPENDIX F

Pensacola Navy Yard.

The House Committee on Appropriations submitted a report the effect of which was to do away with the navy yard at Pensacola, Florida, which I regarded as a serious mistake. I secured the adoption of amendments by which that important navy yard was continued and provided for. On the 19th of May, 1876, I made the following speech on that subject:

Mr. Reagan. Mr. Chairman, I recognize the delicacy of undertaking to oppose in any of its parts a measure recommended by one of the leading committees of this House; and I would not offer a word of objection to the bill reported by the committee if I did not feel that a sense of duty and propriety required this to be done. In that portion of the bill beginning with line 43 it is provided:

> For the civil establishment at the navy yards at Brooklyn, New York; League Island, Pennsylvania; Norfolk, Virginia, and Mare Island, California, $80,000; and for the protection and care of the navy yards not enumerated, $5,000. And the Secretary of the Navy is hereby directed to make inquiry as to the best method of making sale of the navy yards at Charleston, Washington and Pensacola.

I shall at a proper time propose to amend this portion of the bill by inserting after the word "California," in the forty-fifth line, the words "and Pensacola," and by increasing the appropriation in the same line from $80,000 to $100,000. I shall propose to do that for the purpose of keeping Pensacola in its position as one of the navy yards to be used for repairs, or, if deemed necessary, for repairs and construction. I shall then propose to strike out in line fifty the words "and Pensacola," so that this navy yard shall not be included in the list of those in regard to which the Secretary of the Navy is to be directed to make inquiry as to the best method of making sale of them.

In looking into this subject, Mr. Chairman, I shall not attempt to discuss the question as to the number of navy yards that there ought to be upon the Atlantic coast. That there ought to be one upon the Gulf of Mexico and one upon the Pacific coast, will not, I think, be controverted. We have upon the Gulf coast no private yards in which the war vessels of the Government can be repaired; and in this age of the world we need for the purposes of war not only steam vessels but ironclad vessels. In case of war with a foreign power, if one of our vessels in the Gulf squadron should become crippled or disabled in any way, such a vessel, without a navy yard there for repairing and refitting, would have to be dropped out of service or brought around Cape Sable and up the Atlantic coast to a place where it could be repaired, losing the time of the officers and crew, and taking the perils of such a voyage in a crippled condition in time of war.

In looking at our national necessities I may be excused for calling attention for a moment to that portion of the United States. The Gulf of Mexico may well be termed our Mediterranean, a great sea in itself. It is from the Atlantic coast of Florida by an air line about two hundred and sixty miles westward to Pensacola. It is from the Atlantic shore of Florida four hundred miles by an air line westward to the Mississippi. It is from the Atlantic shore of Florida seven hundred miles to the western shores of the Gulf of Mexico. It is from Cape Sable westward to Galveston eleven hundred miles and more across the Gulf of Mexico. It is from the mouth of the Mississippi River southward to the southern part of the Gulf of Mexico west of Yucatan eight hundred miles and more, and from Pensacola more than five hundred southeast to Cape Sable. I mention this to show the magnitude of that inland sea, bounded on the east by Florida, by the islands of Cuba, Hayti, and the other West India islands, and by the peninsula of Yucatan; on the south by Mexico and Texas; and on the north by Louisiana, Alabama, Mississippi, and Florida.

Upon that Gulf there is now a large commerce. If the work going on for the deepening the mouth of the Mississippi River by the South Pass succeeds, as it is hoped by Mr. Eads, the projector of that great work, it may succeed, and we get twenty-eight feet of water there for the largest class of vessels, the amount of commerce passing out of the great and fertile valley of the Mississippi to the open ocean will be almost incredible. At present it is very large. If the work going on at Galveston

shall succeed in giving the depth of water that the United States engineers believe it will give, this commerce will be still further enlarged. There, too, is being concentrated the commerce of the State of Texas, with its present population of a million and a half of people, and with an increase of between 200,000 and 300,000 a year. With the commerce that will go there from the Indian Territory, from Kansas, from New Mexico, from the northern States of the Republic of Mexico, a commerce will be centered at the great commercial emporium of what we call the "new west" only less than that which will be poured out of the mouth of the Mississippi River.

Remember that on our entire coast, extending from Cape Sable up the western coast of Florida and along the coast of Alabama, Mississippi, Louisiana and Texas for more than fifteen hundred miles, we have no other naval station of ship-yards than Pensacola. That has a fine depth of water, capable of bearing almost any, perhaps any, vessel in the American Navy. It has a fine harbor and roadstead. It is a fortified position, well secured against danger. It would seem that our national necessities would not be so far overlooked as to destroy this only ship-yard upon that extensive coast.

One thing more I desire to say on this subject. In case of war with a foreign naval power the vulnerable part of the United States is upon the Gulf coast. A war inaugurated now with Great Britain, with France or with Spain, unless the mouth of the Mississippi River was protected by a sufficient number of our best monitors, would be as easily ascended by a hostile fleet of war vessels as it was by the Federal fleet during the recent interstate war. It will be remembered that Fort St. Philip, Fort Jackson, and other batteries along the shores of the Mississippi were not sufficient to stay the progress of a fleet composed in part at least of wooden vessels.

The commerce of the Mississippi Valley deserves and needs protection; and when I speak of this commerce I do not mean to be understood as speaking alone of the commerce of the country bordering on the Gulf of Mexico, for it is likewise the commerce of Louisiana, of Arkansas, of Mississippi, of Tennessee, of Kentucky, of Missouri, and of all the rich States which lie between the Ohio and the Mississippi and to the west of the Mississippi, which finds its way to market by means of that unequaled channel of commerce. Protection, therefore, is necessary.

Galveston, the other point I mentioned standing second in commercial importance to New Orleans upon the Gulf, is in such condition to-day that war vessels could bombard and destroy the city and its commerce. I have not spoken of Mobile, Brashear, Sabine Pass, Indianola, Corpus Christi, and the other towns which lie upon the border of this great inland sea. All of them in case of war would be exposed to the ravages of an enemy and incalculable injury could be done to us, for many of them are to-day without a particle of protection. Even Galveston to-day has not a single gun mounted, and not a single step has yet been taken to protect it, in case of war, against a hostile fleet.

What would the consequence be if we were drawn into war, which we all trust may not happen? For, sir, we cannot take to ourselves the assurance that we shall be exempt from war. Our Government occupies a position which makes it necessary that it should deal with all the great questions which interest the nationalities of the earth. It must take its responsibility in disposing of these great questions. It should direct its commercial policy to more intimate relations with Mexico, the Central American and South American states, so that instead of manufacturers from other quarters supplying those countries, they should come from New England, or the Middle States. It seems to me there is no reason why, under a wise, prudent and proper policy, we should not control the vast trade of those countries, very little of which we control at this time. In our intercourse with them we must grow and increase; we stand liable to complications. We have seen that we were liable to be drawn into difficulty on account of the trouble in the island of Cuba. We cannot tell but danger will be on us at any moment. It is at least prudent in time of peace to make needful and reasonable preparations for war. That preparation may avert what might otherwise fall upon us.

A great power like this, having its relations with the whole civilized world, needs and must have a navy. It should have one that would command for the government that respect due to one of the first powers of the earth. If we have such a navy we must provide for building ships of war, and for repairing them. I have heard it suggested in conversation that this might be done at private shipyards. As vessels of war are now built, we can hardly expect, even in our progressive, go-ahead country, to find private shipyards that will prepare such iron, and in such quantities as will be necessary for the construction of great iron war

steamers. If we are to have these, they must be made by the Government, at least in large part. In this connection let me read an extract from the report of the Secretary of the Navy, Gideon Welles, in 1866:

For the construction of iron and armored vessels, it can only be repeated that although our country has the material in great abundance, and possesses many advantages in that regard, we are almost wholly unprepared. In future maritime wars the contests between the great naval powers for supremacy on the ocean will be determined chiefly by iron-clad or armored ships. Our turreted vessels or monitors will be powerful and effective for harbor and coast defense, but in conflict with any European power our countrymen will hardly be content with mere defensive warfare.

Armored vessels for ocean cruising must necessarily be of large size, which cannot, with the requisite strength, be secured in wooden structures. If attempted, the immense mass of timber must rapidly decay, and the cost resulting from deterioration will be such as no economical and prudent nation will consent to sustain. Ships for cruising and offensive operations must be such as can use sails, for no vessel can long keep the sea under steam alone. Such vessels as are here suggested should be built at a Government establishment, for though private enterprise can do much in aid of the Navy, the peculiarities of iron vessels for naval purposes are such that private parties cannot undertake the work unless at prices which will cover all the outlay for the establishment as well as the vessel, for there can be no other customer than the Government for such work.

In this view of the subject it is plainly the interest of the Government to erect its own shops and machinery, and to possess its own establishment for the construction of its iron and armored naval vessels. Several years of preparation will be required to provide the necessary appliances for such an establishment, and a special and convenient location, with ample area, should be promptly selected. In each of the navy yards a dry-dock is indispensable, and for a steam navy there should be suitable shops and accommodations for the repair of vessels.

I read this much from the report of Secretary Welles of 1866 on the point as to the necessity of Government navy yards possessing the peculiar machinery necessary to the building of ships of war such as are used in modern times. While I have this report in my hand I will also read an extract from it in regard to the navy yard at Pensacola. After going on at some length, reasoning upon the necessity for establishing the navy yards at Norfolk and Pensacola, he uses this language:

The suppression of the rebellion and the reestablishment of that peace and unity which constitute us one country and one people, make it a duty to restore these national establishments to their former efficient condition. In so far as there was reason during the rebellion for

refusing to do this, because insurrection prevailed in the region where the yards are situated, that reason no longer exists. True, the expenditures will be made in States which were in rebellion, but the rebellion has passed away, the States are parts of the Union, and the establishments which are to be renovated are national in their character and of general interest to all. Upon the Pensacola, even in its present ruinous state, we must depend for repairs and supplies for any squadron we may employ to guard the ocean outlet of the great Central Valley of the Union and of our whole coast bordering on the Gulf. To neglect to put that yard in proper condition would be to neglect Iowa, Illinois, and the States north, as well as Louisiana and Mississippi.

In the event of a foreign war with the great maritime powers, our country would labor under serious disadvantages were we without a navy yard or naval station in the Gulf. A naval force of steamers—and all fighting vessels must hereafter be steamers—could not be maintained in the Gulf without frequent repairs and supplies. With no navy yard in the Gulf, the disabled vessels would necessarily be withdrawn from their station and compelled to proceed to a Northern yard for refitment. Besides the perils incident to a voyage under these circumstances, with an enemy on the coast, the services of the officers and crews, as well as of the vessel itself, would be lost during the time she might be absent in going to and returning from a Northern yard. The rebels and the waste of war have devastated the Norfolk and Pensacola navy yards, but the best interests of the service and the obligations of the Government are not less imperative now, and when peace and Union are restored, to place them in proper condition. It is to be hoped, therefore, that liberal appropriations will be made for that purpose.

While reading extracts from official sources I will call attention to what is said by the present Secretary of the Navy in his last annual report in regard to the Pensacola navy yard. He says:

During the past year the old hospital building within the walls of the yard has been torn down and destroyed, and a new hospital erected upon the ruins of one without the walls, destroyed during the war.

While it is not deemed wise to place this yard in condition for building ships, yet it is considered eminently proper that it should possess all requisite facilities for docking and repairing the vessels of the North Atlantic squadron. Several additional buildings are necessary, and estimates are submitted for another timber-shed and a machine shop for steam engineering.

It is hoped that two sections of the iron sectional dock for this navy yard will be finished during the present fiscal year.

Therefore the last report that comes from the Secretary of the Navy sustains the one made several years ago by Secretary Welles as to the importance and necessity of preserving that navy yard, at least for repairs and supplies. It may be matter

for future determination how far construction shall go on there. Two vessels of war at least were built there in former times. In addition to the necessity of a naval station and navy yard for the repair and supply of vessels on that vast inland sea for the protection of our coast cities and great commerce, it may be said in relation to Pensacola that in addition to its fine, capacious, and secure harbor and deep water, it lies in the finest timber region on the Atlantic waters. The supplies of live-oak to all the navy yards of the country come from Florida, and I was going to say from Texas, but I am not sure of that. But in Florida and on the coast of Texas along the Colorado and Lower Brazos are vast supplies of live-oak timber. In southeastern Texas, back of the Sabine Pass, on the Sabine and Neches rivers, there are almost limitless amounts of as fine white-oak as grows on the continent. And many years ago I was told by a gentleman who had made an examination of the fine pine regions bordering these two rivers lying back of the Sabine Pass that even then, since the pine had been cut as in Maine and in Florida, the finest timber for spars and masts was to be found in eastern Texas. So that you have the live-oak and white-oak if needed, and the finest timber for masts and spars on the Atlantic waters close around Pensacola.

In addition to this there are mines of coal and iron up the Alabama River now being developed in limitless quantities at a convenient distance from Pensacola. The means of transportation for the coal and iron which go down the Mississippi River to Pensacola are such that they may be carried there with great ease and facility and cheapness; so that they have all the materials necessary for the repair or construction and supply of ships. I see, therefore, no reason why that place should not be considered as occupying a commanding position for a navy yard.

The suggestion has been made that Pensacola is subject to occasional visitations of yellow fever, and that in the prevalence of that disease the workmen may have to abandon their post of duty. It is true that all the towns and cities upon that coast are occasionally subject to visitations of yellow fever. But it is proper for me to say that in a period of fifteen years at least—and some more, I think, may be added to that, but I will not undertake to say precisely how many from memory—that city has only been visited twice by yellow fever.

Mr. Hewitt of Alabama. It never originates there.

Mr. Finley. It is always imported.

MR. REAGAN. Two gentlemen near me suggest that it never originates there and is always imported. Proper quarantine regulations will at all times protect that place against yellow fever.

But the time which might be lost, it may be once in five years or so, by the workmen at that yard for that reason, will not be equal to the loss of time in the cold regions of the North, where our navy yards are, because of frost and snow. With the exception of such danger as may exist from this source there is nothing at all in the way at any time or at any season of the year to impede the work of construction and repairs going on at that navy yard.

It will not do to say that because the people of that region are sometimes subject to the scourge of the yellow fever—and I understand from physicians that in modern times it has modified somewhat in its type, and possesses less terror for the people than formerly—it should be remembered that our country is there, our people are there, our commerce and trade are there, our national honor is pledged as much to the protection of that people and that commerce as it is to the protection of any other portion of the American people and the American commerce. Where our people live, where they rear their families, where they make their homes in the sunny lands of the South as happily as elsewhere, surely the officers and employees of the Government can live.

I say this in order to meet that argument if it be suggested. It has just as much force as I have indicated, and no more. It will not do to say that that country must be abandoned to its fate; that the commerce of the vast region of country that pours into the Gulf of Mexico is in case of war to be left at the mercy of the enemy because sometimes there may be yellow fever at Pensacola where our navy yard is.

I have said this much because I feel that in proposing to strike out so much of the appropriation as is necessary to keep in existence the navy yard at Pensacola the committee have made a great mistake. The national interest, the national honor, and the national peace demand that it shall not be done.

The Committee on Naval Affairs make a different recommendation, but we are not now dealing with their report. It recommends, as I understand, in conformity with the recommendation of the Secretary of the Navy, that the Pensacola navy yard shall be preserved for repairs and supplies. If we make no appropriation for it, the law leaves it without the means of carrying it on,

and the vast amount of money that has already been expended there must be lost, the national defense must suffer, and in the event of war the commerce of our country must be unprotected to an extent that I am not now fully prepared to show. I have said this for the purpose of calling the attention of the Committee of the Whole this evening to the subject, so that when the proper time arrives I may offer the necessary amendment to preserve this navy yard as recommended by the Secretary of the Navy and by the Committee on Naval Affairs.

APPENDIX G

The Louisiana Returning Board

Mr. Reagan. Mr. Speaker, the gentleman from Pennsylvania (Mr. Kelley) has just told us that this House is not clothed with imperial powers. We might infer from his remarks, and from those of his political associates, that there was in this country no body which was omnipotent, irresponsible, and imperial, but a Louisiana returning board.

The gentleman from Iowa (Mr. Kasson) warns us against the unconstitutionality and danger of seizing upon the State officers and State archives of Louisiana and bringing them before this House. The gentleman and others seem to forget that a Republican Senate brought the same kind of officers and archives from Louisiana, before their committee here during the last Congress, and these gentlemen made no complaint or protest against that. And the Republican Senate has at this session brought the Governor of Oregon before its committee, and these gentlemen have made no complaint or protest against that.

Mr. Kasson. There was no protest I believe; there was no issue made in either case by the State authorities.

Mr. Reagan. Mr. Speaker, in the short time allowed me for the discussion of the question before the House, and without opportunity for careful preparation, I shall not be able to make a fair presentation of it.

We are within a few weeks of the time when Congress is required by the Constitution to count the electoral votes for President and Vice-President of the United States and declare the result.

The mode and manner of appointing electors is left by the Constitution to be determined by the States. The question as to who are electors must be determined by Congress.

It is insisted by some of the gentlemen who have spoken on the Republican side that the States must determine who are electors, and that Congress cannot inquire into that question; that, in the language of the gentleman from Ohio (Mr.

Lawrence), the action of the returning board is final and conclusive and this house has no power or authority to change the result. And this view is also sustained by the gentleman from Maine (Mr. Frye), the gentleman from Ohio (Mr. Garfield), and the gentleman from Iowa (Mr. Kasson).

I assume that in accordance with the unbroken line of precedents of ninety years, covering twenty-two elections for President and Vice-President of the United States and the whole period of the constitutional government of the Union, Congress will count the electoral vote, that it will determine for itself who are electors and entitled to vote; and that for this purpose it will, if necessary, go behind the certificates of election and behind the action of returning boards to ascertain the will of the people as expressed by their votes.

In the election of Mr. Monroe in 1817 Congress went behind the certificate of election, and the acts of the returning officers of the election in the State of Indiana, to determine whether the electoral vote of that State should be counted. In the election of Mr. Monroe in 1821 Congress went behind the certificate of election, and the action of the returning officers of the State of Missouri, to determine whether the electoral votes of that State should be counted. In the election of Mr. Van Buren in 1837 Congress went behind the certificate of election, and the action of the returning officers of the State of Michigan, to determine whether the electoral votes of that State should be counted. And in that election a committee of three on the part of the Senate, consisting of Felix Grundy of Tennessee, Henry Clay of Kentucky, and Silas Wright of New York, in conjunction with a committee of five members of the House of Representatives, by order of the two Houses, went behind the certificates of election and behind the action of the returning officers of the States to ascertain whether electors had been chosen contrary to the prohibition contained in the second section of the second article of the Constitution. And that committee reported that they were "of opinion that the second section of the second article of the Constitution which declares that 'no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector,'" ought to be carried in its whole spirit into rigid execution in order to prevent officers of the General Government from bringing their official power to influence the elections of President and Vice-President of the United States. This provision of the Constitution, it is believed, excludes and disqualifies deputy postmasters

from the appointment as electors, and the disqualification relates to the time of the appointments, and that a resignation of the office of the deputy postmaster, after his appointment as elector, would not entitle him to vote as elector under the Constitution. And this opinion of these great Senators may be useful in our present troubles upon other questions than the one I am now considering.

In the election of Mr. Buchanan in 1857 Congress went behind the certificate of election and the action of the returning officers of the State of Wisconsin to determine whether the electoral votes of that State should be counted. In the election of Mr. Lincoln in 1865, Congress, with large Republican majorities in both Houses, adopted the twenty-second joint rule for the government of the two Houses in counting the electoral votes for President and Vice-President of the United States under which, in the election of that year, and in the election of General Grant in 1869, and again in 1873, Congress, upon deliberate consideration, went behind the certificates of election and the action of the returning officers of different States and excluded their electoral votes. And under this joint rule such electoral votes might be and were excluded by the objection of either House without the concurrence of the other. And if the law and facts require it to be done, I take it that the votes of States or of particular electors will be excluded by the objection of either House in this election, as they have been in past elections.

On this question of the right of Congress "to exclude from counting all electoral votes deemed by them illegal," I will read the special message of President Lincoln of February 10, 1865. It is as follows:

To The Honorable the Senate and House of Representatives:

The joint resolution entitled "Joint resolution declaring certain States not entitled to representation in the electoral College" has been signed by the Executive in deference to the view of Congress implied in its passage and presentation to him. In his own view, however, the two Houses of Congress, convened under the twelfth article of the Constitution, have complete power to exclude from counting all electoral votes deemed by them to be illegal, and it is not competent for the Executive to defeat or obstruct that power by a veto, as would be the case if his action were at all essential in the matter. He disclaims all right of the Executive to interfere, in any way in the matter of canvassing or counting electoral votes, and he also disclaims that by signing said resolution he has expressed any opinion on the recitals of the preamble or any judgment of his own upon the subject of the resolution.

Abraham Lincoln.

Executive Mansion, February 8, 1865.

Our friends on the Republican side show a new-born and wonderful zeal for the doctrine of States' Rights, which they have labored so earnestly for years to try to render odious. In great kindness and charity, I suggest to them that I know gentlemen in this country who some years back got into very serious trouble on account of their devotion to the doctrine of States' Rights. But I will express the hope that these gentlemen may be more fortunate. They manifest on this occasion a holy horror at the idea of the Federal Government interfering in elections in the States. And yet it is that party that introduced into the Constitution of the United States in the last few years, for the first time in the history of the Government, provisions in relation to the rights of citizens to vote in the States. It is that party which has in the last few years, for the first time in the history of the Government, passed elaborate acts of Congress to regulate and protect the rights of citizens to vote in the several States. It is that party which provided for and appoints supervisors of elections in the States of the Federal Government. It is that party which, by its Attorney-General, with the sanction of its President and his Cabinet, and with the approval of the Republicans of the Senate and this House, appoints an army of deputy marshals, to be paid out of the Federal Treasury, to manage and control elections in the States for the worst of partisan purposes; and who, to this end, were authorized to use the Army of the United States in controlling such elections, without any demand by the States, as provided for in the Constitution, for such troops, and when there was no legitimate necessity for them. It is this party which, through its President, with the sanction of his Cabinet, and with approval of the Republican Senators, and members and Representatives, and of the great body of the party, openly employs the Army of the United States to overthrow lawful civil State governments formed by the will of the people, and substitutes in their place other governments in the States which have no other authority for their existence than what is derived from military orders and the unlawful and unconstitutional use of the Army; and which openly and notoriously uses the Army of the United States to overawe and intimidate the people and to carry elections, both Federal and State.

This is the party which has so holy a horror now of the interference of the Federal Government with elections in the States; when, too, it is at this very moment using the Army of the United States to keep out of office governors and other State

officers, State senators and representatives, and district and county officers in two States, which were elected by the people, and to put into their places by force and fraud those who were defeated by the people.

When these gentlemen tell us that the work of the returning boards, such as that in Louisiana, are conclusive, and cannot be impeached or inquired into even for fraud, and for being in violation of law, do they forget that they have been, without objection or protest, trying cases of contested seats of members of this House from that State at every Congress since the disgraceful election laws and infamous returning board of that State had an existence; and that in each case they were going behind the action of this returning board, and treating it, as it ought to be treated, as furnishing by its action a *prima facie* case of election only, which may be rightfully inquired into by this House, and which has been so inquired into by this House, and the action of the Louisiana returning board set aside on different occasions, and the true result of the election by the people announced by this House? It is remarkable that these gentlemen cannot understand a principle which is as old as the law of elections, and firmly established by almost countless precedents, that an election by the people is determined by the votes of the people, and that the returns of the officers of such elections are only *prima facie* the evidence of an election, and may always be set aside for fraud or illegality, and the true result announced. Fraud always vitiates everything; a solemn deed or the record of the highest court will be annulled, set aside, held for naught, if made or procured by fraud.

The committee in the report under consideration say in substance that public rumor charges fraud in the Louisiana election. It is proposed to investigate this fraud. We know from newspaper reports, and from the statements of both citizens and officers, that a Democratic majority of more than 8,000 has been by that returning board converted into a Republican majority of more than 3,000. We wish to know just how this was done; and the whole country wishes to know how it was done, and has a right to know how it was done, as it may determine the result of the election of President and Vice-President of the United States.

And yet Republican members on this floor,—representatives of a part of the American people,—distinguished for their ability and public experience, tell us that even if this returning board has been guilty of fraud and of unlawful conduct, though

it may be leprous with fraud, a stench in the nostrils of all honest men, and a hissing and by-word throughout Christendom, still its frauds are so sacred, so inviolable, so beyond the reach of honest men, good morals, and sound principles of law, that it must outweigh the honest votes of more than four millions of freemen in a Government created, upheld, and perpetuated so far by public opinion, as made known through the lawful votes of the people, as contradistinguished from a government created, upheld, and perpetuated by either force or fraud.

This position is so monstrous that I am persuaded gentlemen who are driven into it by partisan heat or supposed political exigencies will, in after and calmer times, be amazed that they should have avowed such doctrines.

The gentleman from Iowa (Mr. Kasson) and several of his brethren have made or attempted to make the issue that we could not go into the States and seize State officers, acting under State laws, and State records and bring them before this House or its committee, without violating the Constitution and trampling down State rights. I suggest that such an issue is not presented by the report before us, and that therefore we need not discuss or decide it. The duty is devolved on Congress to count the electoral votes for President and Vice-President of the United States. Our authority to do so is derived from the Constitution of the United States. And these are the higher officers of the Government of the United States. They are not State officers. We are not State officers. The only warrant for our action is that Constitution. In the performance of this great duty are we to accept fraudulent and illegal acts of a returning board whose infamy is both national and world-wide, without inquiry as binding on us? Or are we to inquire for the very truth? The common-sense, natural, reasonable American way is to inquire for the very truth. To do this we must authorize our committee to purge the consciences of the members of that board, and to examine the poll-books, returns, etc., on which their action was based, and whether that action was in accordance with law and is sustained by the facts. That board not only spirited away a Democratic majority of over eight thousand and gave to their party a majority of over three thousand, but their final and most important action in doing it was in secret. The law of their existence required that the board should be composed of members of all political parties. It should have consisted of five members; but in fact did only have four members, and these were all Republicans. They were

applied to repeatedly to fill the vacancy by the appointment of a Democrat, which they refused to do, under the sham pretense that they were equally divided on the question as to whether they should fill it. It looks like they had determined to perpetrate a great fraud, and resorted to subterfuge and trick to prevent any Democrat from witnessing and exposing that fraud.

The gentlemen who take this extraordinary position as to the sanctity and sacredness of the acts of a fraudulent returning board seem to lose their reckoning in many respects. Suppose two returns come from one State,—and we are advised that there will be duplicate returns from four or five States in this election,—we must use our judgment and discretion, we must determine, decide in each case which is the true and proper return, which contains the true vote of the people and is presented by the proper electors, and with the proper authentication. We must, if necessary, go behind the returns themselves, and behind the action of the returning officers, to determine this. So returns may be made, as in the election of Mr. Van Buren in 1837, of persons who appear to have been elected as electors but who are ineligible; and we may now as then have to go behind the returns to determine this, and to prevent persons from voting for President and Vice-President who are not permitted by the Constitution to be electors.

But I will not multiply the instances in which, from the very necessity of the case, we may have to go behind the returns and behind the action of returning boards in the discharge of the high duty we owe to the whole people to see honestly and fairly that those elected by them shall be declared by us to have been elected. And no fraud, no illegality, no trick or subterfuge must stand in the way of common honesty, plain duty, and obedience to law in this respect. We want the truth and the whole truth about this election. This cannot be reached without compelling the witnesses named to testify and to produce their records and books for inspection of the committee. I do not doubt our jurisdiction for this purpose. Surely this great body, clothed with jurisdiction over this subject, has as much power to compel witnesses to testify and to produce papers as a district or county court in one of the States or Territories or of the District of Columbia.

But it is insisted that villainy has invented a contrivance in Louisiana which not only sanctifies fraud and illegality, but binds our consciences, and defies our authority and powers in

counting and declaring the result of the electoral vote. It is said the legislature of that State has clothed the board with all judicial powers, and has declared its action binding and final on all elections. I must insist that in common justice and by all law it is only binding and final when it is in accordance with law and is free from fraud. Its action is not and cannot be more binding, final, and conclusive than a decision of the Supreme Court of the United States, and even a judgment of that august tribunal would be set aside and annulled if after it is made it should be found that the court had no jurisdiction of the case, or that its judgment had been obtained by fraud, or had been the result of accident or mistake. The law makes the judgments and decrees of this great court final and conclusive as to the parties to the litigation, and they may be set aside, annulled, for fraud or want of jurisdiction; but yet we are gravely asked to agree that the doings of this fraudulent returning board, under a law which was designed as a cheat and swindle, has more sanctity than such a judgment or decree. Can folly go further or presumption become more audacious than this?

APPENDIX H

During the consideration of the bill of the House of Representatives, No. 514, relating to the celebration of American Independence, January 19, 1876, Congressional Record, pp. 507-8, I submitted the following remarks:

Mr. Reagan. Mr. Chairman, it was not my intention until yesterday to participate in any way in this debate. In what I shall have to say I do not propose to controvert the views presented by any member who has preceded me in this discussion. Nor do I propose to look at anything in the light of a partisan, but simply as representing a part of the American people. If in these remarks I touch incidentally on any question which might seem inappropriate to the occasion, before concluding the few observations which I have to make it will be seen that it is for no purpose of unkindness but for the purpose of illustrating the views I present, and the position in which I find myself in this connection.

In determining to vote for the centennial bill, I am confronted by considerations well calculated to produce embarrassment, and which may not be realized by gentlemen differently situated. Those may well rejoice who are free, and prosperous, and happy, and those who are weighed down with poverty, suffering from proscription, while remaining under the displeasure of the Government, can but mourn over their condition and hope for a better future.

We have among us soldiers of the war of 1812, heroes of our second war for independence, who fought the battles of our country before many of us were born, and who are now tottering into the grave, and who are not permitted to draw their pensions because they may have sympathized with the South in the recent civil war, though then too old to participate in it. We have public contractors who carried the mails and did other service for the Government before the war, who, for the same reason, are refused compensation. And we still have a few hundred men, and these for the most part the best, the wisest, and most conservative, who are denied some of the rights of American citizenship.

These classes, while they may rejoice at every step toward peace and reconciliation, must still feel that they are precluded from participation in the feelings of universal joy which should characterize the year and the occasion; that there is no year of peace and jubilee with them. I do not say these things in a querulous spirit, but rather with a painful sense that duty requires that they should be said.

But looking to other and broader considerations, and desiring to reflect the wishes of the great body of the people I represent, in favor of charity and good will between the people of all parts of the country, and in the hope that fuller justice will be done the classes I have referred to in the future, and to avoid the suspicion that the people I represent are still hostile to the Government, and especially because I believe the year and the occasion can be made to subserve the noble purpose of reunifying the American people, of creating anew the feelings of patriotism common to the whole country, so that the whole people can participate in the blessings of liberty, in the expense of preserving it, in the perils if need be, of defending it, as one common brotherhood, as our people were in former years.

The Southern people are peculiarly interested in the events of this year. A great and protracted civil war, with the long controversy which led to it, and a system of what was called reconstruction measures, as disastrous to them as the war itself, have so wrenched and distorted the Constitution, and obscured the principles of civil liberty and just government, as to make a serious and earnest recurrence to the principles of the Declaration of Independence, of the Constitution of the United States, and of the spirit and genius of our Government and institutions, a paramount necessity. This, it seems to me, is the most vital thought connected with the centennial celebration to every part of the country and to all the people.

I feel that I represent truly the wishes and the interests of those who sent me here by showing by this vote that we at least can forgive in our sufferings and sorrows, if others cannot in their triumphs and prosperity. And in this vote I give one of the best pledges I can of the desire of our people to be restored to their proper place in the Union, to participate in its prosperity, to enjoy the blessings common to all others in it, and share in its glories.

It is wonderful to contemplate the progress of our country and the world during the past century. The invention and successful use of various labor-saving machines, the application

of steam and electricity to the practical uses of life, the improvements in chemistry and in the mechanic arts, the discovery and application of new principles in philosophy and science, have gone beyond what could have been dreamed of by our revolutionary sires. The diffusion of knowledge which has been brought about by the high perfection of the art of printing and by the improved facilities for printing books and newspapers, the rapid transmission of intelligence by mails and telegraph, and the facilities for rapid communication by steam vessels and railroads have created a new world, and have done much toward making all useful knowledge common to the human family, while our progress in agriculture, in manufacturing, and in commerce is the wonder of mankind.

A hundred years ago we had but a little over three millions of population. Now we have forty millions. Then our settlements were limited to the country east of the Alleghany Mountains and to a few settlers in the Ohio Valley. Now they extend from the Atlantic to the Pacific Ocean and from the Great Lakes to the Rio Grande. Then that vast region of country west of the Alleghany Mountains, and especially west of the Ohio and Mississippi Rivers, was almost an unknown wilderness to our ancestors, the hunting ground of the savage Indian tribes. Now our settlements dot it all over, our armies patrol the whole of our frontier regions, mails carry the news, social and business intelligence to every part of the country, and our seventy-two thousand miles of railroad span the continent and furnish the means of the most rapid travel and transportation to nearly all parts of the Republic. These things, this wonderful advancement in material progress and development, are certainly worthy of commemoration at the end of the first hundred years of our political existence as a people. But I do not mention them so much for that purpose as to state by contrast that we have something still more worthy of commemoration.

A hundred years ago the received political theory of the great powers of the earth was that the kings and emperors ruled the people by some sort of right superior to any which could spring from themselves; that the body of the people were incapable of self-government, of preserving political authority and public order and the rights of persons and of property if left to themselves; that they must be governed by a higher authority than they possessed; that they were subjects as contradistinguished from citizens; that they must be ruled by power, force, repression, instead of by their voluntary consent.

Privileged orders in society, embracing kings and nobles, were necessary to support this theory. The splendid, titled, gilded few, the oppressed and toiling many, with despotism, oppression, and wrongs in all their forms, were its necessary fruits.

The Declaration of Independence of the 4th of July, 1776, was the brave, bold, clear, ringing announcement, by earnest, thoughtful, wise men, of a political theory which, if not new to the world, was new in its practical application, as furnishing the political rules for the preservation of the rights and liberties of a whole people.

In that, man's capacity for self-government was announced as a political axiom. All titles of nobility and exclusive privileges were declared at an end. A government resting on the free voluntary consent of the people was proclaimed. Political sovereignty was declared to reside in the people. Following these declarations, a system of government, State and Federal, was adopted which secured to our people all the bulwarks of civil liberty reserved out of the powers of the governments which they formed for themselves.

No Congress or legislature, no President or Governor, no judge of a Federal or State court, no officer of the Army or Navy, was allowed to invade or disregard the rights of the humblest citizen. No citizen could be arrested by arbitrary power, but only upon an affidavit charging an offense against the law, and upon a lawful warrant, and by a person authorized by law to execute it. And any citizen so arrested was entitled to a speedy public trial; to be heard by himself, or counsel in his defense; to be confronted by the witnesses against him, and to have compulsory process to obtain witnesses in his favor; to a fair trial by a jury of his peers; with the military declared subordinate to the civil authority, and the inestimable right of the writ of habeas corpus declared inviolate; the duties of all public officers defined by the Constitution and laws, and they held amenable for any infraction of them, as strictly as the most humble citizen in the walks of private life; no man, in whatsoever position, was above the law; and all were under the ægis of its protection. These were among its beneficent, its heaven-born provisions. It was, in brief, the establishment of a government founded on the authority of the people, and made by them for their own benefit. It was a grand political experiment, scoffed at and derided by the friends of royalty and aristocracy as the inauguration of organized anarchy, but now vindicated

by a hundred years of experience in peace and war, and under all the vicissitudes to which governments are exposed, as the best system of government ever devised by the wisdom of man, illustrated by the most wonderful growth and development of any known to the history of the world.

It is to these immortal, undying principles, to this peculiarly American federal system of government, uniting many nations in one, and so dividing their powers as to leave national and international matters to the Federal Government, and local matters to the several States, that we are indebted for all we are as a people; for all our great growth in population, in wealth, in power, in material development, in liberty, and in the happiness of our people.

The preservation of these principles and this system is, in my judgment, the sole condition on which the Republic can be made to survive to another and other centennial years. God grant they may be preserved to bless a thousand other generations.

If these propositions are true,—and who is there that will question their truth?—then the chief merit of the centennial celebration should be made to consist in asserting anew these great principles of this system, and in contributing our part to transmit them to our posterity as we received them from our revolutionary fathers.

Let us in this centennial year honor these as the cause of our growth, prosperity, power and greatness in a higher degree than we may our material development, which is but the fruit that they have borne. And let us re-embalm the memories of the great and good men who gave this political system to us and to the world.

I would in conclusion add the expression of one hope, of one prayer, humbly and earnestly, and that is that some good spirit may so direct the action of this Congress that on the 4th day of next July every citizen in this Republic may be as free as American citizens were intended to be made by the Declaration of Independence, and possessed of all the rights which the Constitution and the laws secure to any.

I beg to call the attention of the committee to the fact that Great Britain, against whom our fathers rebelled, forgetting what she lost in the war of the Revolution, and by our success, and guided alike by wise statesmanship and Christian charity, will be here to do honor to the occasion. Shall it be our own people alone, on this great festival of freedom, to whom the assembled representatives of all nations on that day shall point

as being so lacking in charity and wisdom as to make a few hundred out of so many millions feel the bitter anguish which must follow a denial to them of the rights of citizenship? Let us make this year a centennial and a jubilee together.

APPENDIX I

MR. REAGAN. Mr. President, before the Senate proceeds with the disposition of the amendments to the bill under consideration, I desire to say a few words in reference to the position assumed yesterday by the distinguished senior Senator from New York [Mr. Evarts].

I preface what I have to say by remarking that if we accept his hypothesis, if we accept his theory—he is able and he is a good logician—it would be difficult to answer his arguments. He made a very forceful and impressive argument in favor of law, of the paramount importance of obedience to the law, and of respect for the Constitution. He insisted that it was the duty of all good citizens to obey the Constitution and the laws. I mean this was the substance of his position. In discussing such a question with so great a lawyer as the Senator from New York one should be very sure of the ground he proposes to occupy.

I take it that that Senator has no greater desire to see the Constitution of the United States upheld and the laws of the land faithfully enforced than every other Senator on this side of the Chamber or on that. It is doubtless the conviction of that Senator that he is right in his assumption that he is serving the public in urging obedience to the law and in urging the passage of this bill. My objection to the bill is that it is itself a violation of the fundamental law of the land and that in urging its passage the appeal is made to the Senate of the United States to violate that very Constitution which we all have taken an oath to support. I know Senators will reply that the Constitution gives to Congress the power to regulate "the time, places, and manner of holding elections." The provisions of our Constitution are that:

> The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators.

In any interpretation of this provision we see that primarily the power of the regulation of the times, places, and manner of holding elections is to be prescribed by the States. Then, when it is said in the same paragraph that "Congress may at any time by law make or alter such regulations," we must of necessity inquire how it came that the learned, the able, the patriotic men who framed that clause of the Constitution put two provisions in that paragraph, seemingly in conflict with each other, for they are in conflict with each other, and I venture the statement, and I believe I have made it before, that there is no other provision of the Constitution of the United States of double and doubtful construction like this. If this question, therefore, were before a court for construction of this provision, the inquiry would be instituted, how came it that these conflicting provisions were inserted in the same clause of the Constitution?

If the Senators would turn to the debates of the convention which formed that Constitution and to its journals they would find reason why the two powers were placed as they are in that clause. It would there be seen that it was intended to give the States control over the elections primarily, and the debates would show further that the question arose as to whether the States might not decline to elect Senators and Representatives, and by such declination dissolve the Union or separate themselves from it, withdraw from its authority.

The thought was doubtless prompted by the historical fact that some of the States were very slow, very tardy in sending their Representatives to the Continental Congress, and the business on that account was retarded and the powers of Congress were interfered with to some extent by the neglect of the States to be promptly represented in that Congress. That being so, not looking to what might occur in the future, which has actually occurred and which is known to us now, but looking to the experience of the past, the Congress thought it best to make provisions primarily that the States should control these elections, and secondarily, if the States failed to provide for the election of Senators and Representatives, the power should be conferred upon Congress to enable the Government to perpetuate itself.

That is the line of the argument which is presented in the debate in the convention. That is what the commentators on the Constitution of the United States give as the history of the insertion of that provision.

If that be accepted, I appeal to all fair-minded men who seek to give the Constitution a fair and reasonable interpretation, that they must concede we have no power and that Congress has no right to provide for the election of Representatives and Senators so long as the States make provision for their election, and they are in the service and in the discharge of their duties in the two Houses of Congress.

If they are there, that is all that the Constitution contemplates. It was to secure that end that that provision was alternatively inserted in the Constitution of the United States. So I repeat what I have said before, when the States have provided by law for the election of their Senators and Representatives and those Senators and Representatives are in discharge of their duties in their places in Congress, Congress has no more right to usurp the powers of the States and attempt to discharge the duties of the States than if that provision had not been inserted in the Constitution at all.

Mr. President, I suppose, however, that it is not very useful to undertake to argue a question of constitutional right and propriety. It is hard to say that in the Senate of the United States, but the idea has become so prevalent that the war has revised the Constitution and substantially obliterated the rights of the States that we have two sets of opinions in this country upon that subject; but the Constitution stands as it did, except as to the amendments which have been engrafted upon it. Its interpretation stands to-day as it did aforetime, except as it is qualified by the amendments to it which have been adopted. None of these amendments has taken away the tenth amendment of the Constitution, adopted a year or two after the Constitution itself was adopted, in which it was declared that,

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, or to the people.

When we go to the Constitution for this power, we find it in the clause which I have referred to, and upon a just interpretation, upon a reasonable interpretation, I insist that we are not authorized to provide for the election of Senators and Representatives to Congress when the States have made full and ample provisions for that purpose and when those Senators and those Representatives are in the discharge of their duties in the respective Houses.

Besides this, Mr. President, all persons must see that two systems of laws providing regulations for the same elections must produce jarring, inconvenience, and confusion. I know that it has been said by the Supreme Court that if there is a conflict the laws of the States must yield to those of the Union. I am not going to comment upon that decision of the Supreme Court to-night. It is not necessary in the line of argument which I have in view.

A very grave consideration follows. We cannot too often recur to the fact that our system of free constitutional government rests upon two principles, the sovereignty of the people and their capacity for self-government. It is these which distinguish our system of government from the systems of monarchies which prevail in other parts of the world. Under those systems it is held that sovereignty resides in the governing power; whether it be king, emperor, or parliament, whatever the ruling power may be, the sovereignty resides there; that the people are subjects, that they must be governed by a power superior to themselves, because they are incapable of self-government; they must be governed by a power capable by repression, by coercion, of preserving peace and order in society and the rights of person and property to citizens.

In the formation of our Government the great experiment was entered upon of trusting the formation of the Government to the people themselves. To that end it was held that they were sovereign, that they were the government-making power, that they had intelligence enough to enable them to organize governments, to enact laws through the proper agencies, to interpret laws through the proper agencies, to administer laws and to enforce laws through the proper agencies; and for more than one hundred years of peace and war the people of these United States have vindicated the justice and the wisdom of the men who assumed that they were sovereign, and that they had virtue and intelligence enough to organize and administer governments such as would preserve order and peace and the rights of person and property.

Mr. President, in the face of that, Senators propose to enact a law which assumes the fact that the people of the States of this Union are no longer capable of self-government, for, if they are capable of self-government, they may proceed as they have heretofore proceeded by enacting all the laws necessary to the public welfare, and amongst those the laws which enable them to elect their Representatives and Senators.

Are we prepared to take that step? Are we prepared to say to the American people that the people of this great, grand Republic are no longer to be trusted with the rights of self-government? Are we to say that they have to be governed by agencies from without, by a power from without superior to themselves? If we say that we abandon the foundation principles of our Government, we repudiate the capacity of the people for self-government, we deny their right of self-government, principles as sacred as liberty itself to all true Americans.

If we are to assume that the people are no longer capable of self-government, by whom are they to be governed? We have no royalty here yet, thank God; we have no legal aristocracy here yet, thank God. Though we have a strongly intrenched moneyed aristocracy, we have no hereditary governing class here as yet. Who, then, are they, of superior wisdom and of superior virtue, who are to rule the people of the several States, who are to enact laws for them, hold elections for them, because they are no longer qualified to enact laws and enforce them for the election of their Representatives to Congress? Where are they to come from?

They must be a portion of this very class of people who, by the theory of this bill, are held to be incapable of self-government. They must come from the States of this country. What, then, is to endow them with superior wisdom and virtue as Federal officers which it is assumed they will not have as State officers? Whence comes this superior wisdom? How is it that a Federal law or a Federal commission is to make men wiser and to make them better than when they are invested with authority by the people themselves in the exercise of their own sovereign rights? Are they to be more virtuous and more wise because they are selected by some one not responsible to the people? The whole theory seems to me to be not only absurd, but appalling to the friends of liberty and to the friends of constitutional government.

The difficulty which we encounter is that Senators, like the great Senator from New York (Mr. Evarts) yesterday and like the distinguished Senator from Rhode Island (Mr. Dixon) to-night, assume that the American people is one great aggregation, to be operated upon by acts of Congress as if there were no Constitution, no States, no State boundaries, no State laws, no State rights. It is the assumption that the Congress is responsible for the morals, the habits, the individual conduct of citizens of the United States.

Why, sir, there are long lines of decisions made by the Supreme Court of the United States showing that the individual in the State is responsible to his State for the violation of the laws of his State, and that neither Congress nor the Federal Courts can take jurisdiction of him, and yet we disregard all that and assume here, by the theory of this bill and by the arguments of distinguished Senators, that the American people is one great mass to be influenced and controlled by acts of Congress, and that Congress must take cognizance of the violation of morals and law in the several States. That is the theory. The theory is one which has been exploded over and over again by the Supreme Court of the United States. It is one that is repugnant to our common sense of right and propriety. It is one that denies the right and capacity of the people to govern themselves.

Mr. President, many crimes are committed in all the States of this Union. Murder is committed, arson, robbery, all the crimes in the catalogue. Interference with the elective franchise, bribery, and corruption in elections occur in every State in this Union, and if the theory of this bill is right the State should be wiped out and Congress should provide for the punishment of those offenses, and yet Congress, I suppose, would hesitate to take that last step.

If Senators could get their consent to recognize the Constitution which they talk so much about, to recognize its limitations, to obey its commands, and if in doing this they could forget that they have political and party ends to accomplish by violating the Constitution, we should be in very much safer condition than I feel the American people are to-night.

Political majorities may change, and if I do not mistake the character of the American people, bills like this if enacted into law will produce one of those changes such as was produced on a similar subject ninety years ago. The Federalists, under the leader of the extreme consolidationists, chose to enact what is known in the history of our Government as the Alien and Sedition Laws, interfering with the freedom of speech, interfering with the liberty of the citizen, and in instances denying him the right of trial by jury before whom his rights ought to be determined.

That act of attempting to overthrow our system which recognized the capacity of the people for self-government and their sovereignty caused the burial in the tomb of the Capulets of the party which enacted it, to be no more resurrected by the

name of Federalist. Though that attempt to subordinate the liberties of the people to the purposes of power, consolidation, and usurpation overthrew that party, Senators at this day refuse to accept its warning, to recognize its force, and now measures looking to the consolidation and centralization of all power in the Federal Government have gone far beyond what Hamilton, the Adamses, Knox, or any Federalist of that time ever dreamed of.

Why, sir, the very atmosphere is permeated with the ideas of consolidation and of centralization to such an extent that it is hardly considered respectable to appeal to the rights of the States and the liberty of the citizen as in contrast with the powers of the Federal Government. It may go that way, Mr. President; it may grow worse, but while I am spared to live, whether in public or in private life, I do not propose to abandon the great underlying principles of our Government, and hence to sacrifice the liberties of the American people and the rights of American States to promote the fortunes of any party, much less a party which has been so overwhelmingly and instinctively repudiated by the American people at a very recent day. But that warning voice seems not to be heard, and one listening to the debates in this body has his mind involuntarily turned to what Napoleon said of the Bourbons, that they never forgot and never learned anything.

Senators go on here arguing in the same set phrase that they did fifteen years ago, when the Republicans of New England were controlling this continent; when all the powers of the Government were subordinated to their fortunes; when they held absolute political power. Some of them—one venerable Senator whom we all respect, but whom I will not now name, evidently has no conception of the march of events, of a change of conviction, of the determination of the people to resume the control of their own government, to resume control of their own interests, to defy monopoly, to strike down class legislation, to resume again the government that will protect all alike and give special and exclusive privileges to none.

The people mean this, but Senators do not seem to understand it. It seems that they cannot realize this fact. I notice another venerable Senator, whom I will not now name, who knows enough of events now transpiring to irritate him when he sees the grip upon power falling away. Senators may as well understand that the star of empire is on its way westward, that no section of the country, that no half-dozen States are any longer

to control the destinies of this great Republic. These forty-four States have now and are in the future to have a voice in its affairs, in the shaping of its legislation, in the direction of its policy, in procuring justice to the people, in striking down the power which has been oppressing them.

MR. HOAR. Will the Senator allow me to ask him a question?

MR. REAGAN. Yes, sir.

MR. HOAR. The Senator has been in the minority in this country for twenty-five years. Did he abandon his political principles or any of them in consequence of that?

MR. REAGAN. I do not know that I understand the Senator's question.

MR. HOAR. The Senator has commented on the fact that certain Senators, as he says, do not heed the warning of a recent election. The question I put to him is this: He has been in a political minority in this country for twenty-five years. Did he change his political principles or any of them for that reason?

MR. REAGAN. Well, I have not been in the minority for all of the twenty-five years. (Laughter.) I have never been the advocate or promoter of monopoly. I have never been the advocate or promoter of centralization. I have never been the advocate or promoter of injustice and oppression. I have advocated what I have understood to be the constitutional rules of right, and I have had no occasion to change my principles. I was trying to present the view that there were Senators upon this floor who have occasion to change their action and their principles if they mean to keep in line with the great march of American intelligence and independence.

When Senators in the name of law and in the name of our Constitution appeal to us to violate the Constitution, to trample upon the rights of the States, to deny the capacity of the people for self-government, and to deny the sovereignty of the people, ask us to assent that there is a sovereignty outside of and above them which must deal with them, it seems to me that we may well reply to them, before they upbraid us for a violation of the Constitution or a disregard of law, to take the beam out of their own eyes before they hunt for the mote in ours.

It is assumed that there have been violations of law in the suppression of the right of certain people to vote and a denial of the right to vote. It is unfortunately true that in one way or another, sometimes by force, sometimes by fraud, sometimes by bribery in every State in this Union, the elective franchise has been interfered with. It may be that there have been more disturbances on this subject in the Southern States than in other States.

If there have been, it is because the circumstances in which they are placed are different from the circumstances in which the people of the other States find themselves. It is because for political purposes the right of suffrage was conferred upon a people not capable, as a general rule, of exercising that right. That fact was known when the act was done. It was recognized by the great leaders of the Republican party. Mr. Morton and other distinguished Republicans assumed and declared that the black people were incapable of intelligently exercising the elective franchise. I refer not to our respected President of the Senate, but to the late Senator from Indiana. In a political exigency, in the face of law and knowledge the great wrong was done of conferring the elective franchise upon a people the great mass of whom had no capacity for the intelligent exercise of that right, the great mass of whom did not know what the functions of public officers were and had no conception of the qualities necessary to enable persons to discharge the functions of those offices.

That being done, the people of the South who had thrust upon them a large mass of ignorant voters had the most serious and most dangerous problem that ever fell upon a civilized and enlightened people to contend with, and they ought to have had the sympathy, the encouragement, and the support of their brethren elsewhere to solve that problem in the interests of civilization and of right. Instead of that, Mr. President, laws were passed which took from a very large class of the white people there even the right to vote. They could neither hold office nor vote.

At the same time military governments were erected and the writ of habeas corpus was struck down. Military orders were sufficient to authorize an arrest without warrant. Without a writ and without an assigned cause citizens were arrested and held indefinitely in prison. While this was going on, a set of men, such as may God protect the world from in any future time or place, followed the Army, and they with some revenue officers and military officers organized a system of what they called loyal leagues, a secret system in which the negroes were instructed that the white people were their enemies, in which the negroes were banded together in hostility to the whites and made to fear that the whites would re-enslave them, when all intelligent people knew that the day of their slavery had gone by.

They did everything they could to embitter the feelings between the whites and the blacks, and they succeeded. At that

time the white people had been overthrown in battle. Tens of thousands of their bravest and best men slept upon the field of honor where there was no waking. Society was broken up; the industrial system of the whole country was overturned; the means of the people had been exhausted in the war; they were trampled under foot; they were disfranchised; they were denied the protection of the law, and the black people who lived amongst them were encouraged to distrust and hate them.

Mr. President, it was a hard thing, and I have thought, and I think to-night, the most surprising of all the things connected with the events of that time was that a people so circumstanced, environed by such calamities, such powers, such danger, was able to preserve organized society, to reorganize their industries, to organize their governments, and to establish liberty again upon its old basis of obedience to the constitutions and laws of the States and of the United States.

I think, sir, that no part of the human race will ever be entitled to higher honors than that portion of the white race of the Southern States which, under such circumstances, restored society and government when it was supposed to be to the political interests of the dominant party in the country to force them to abandon their principles and join a new party or submit to despotism.

Why, sir, it is well known that there was no man of any respectability in that country during those days who could not have had an office if he would have sacrificed his manhood, surrendered his honor, and been willing to accept office and emoluments instead of preserving his manhood and vindicating the great character of an American citizen. We know that. That being put upon us, violence did arise, acts of violence were committed, and no doubt acts of fraud have been committed.

But, Mr. President, what I wish to say in connection with that is that year by year, as the blacks have learned, step by step, that the white people were not their enemies, but were their friends; as they have learned to unlearn the bad lessons that carpetbaggers taught them, race conflicts have subsided, conflicts of interests have subsided, conflicts of opinion have subsided, and year by year there has been less and less violence, until in the election of last November, when members of Congress were to be elected, governors of States, members of State legislatures, the elections were quiet and as peaceable in the Southern States as they were elsewhere; and if you would let the people there alone we need not ask other help. I see the Senator from Wisconsin (Mr. Spooner) smiles when I say "let them alone." Very well. "Nero fiddled when Rome burned."

If they would allow us to proceed it would be but a short time until what is called the "race problem," in my opinion, would settle itself. We have a great many doctrinaires who have been propounding theories for settling the race problem. The wisest theory upon that subject is for a man to attend to his own business and let the race problem alone. Let the people who have an interdependence upon each other, whites and blacks, cultivate that interdependence. The people there know, as well as the people elsewhere know, the necessity for obedience to law; they know there as well as elsewhere the necessity for preserving sound morals, a respect for the law, and authority of the courts and of the Constitution.

They are as anxious as people can be anywhere else that extraordinary exigencies such as never have attended the human race elsewhere—for such a problem never fell upon the human race elsewhere that I know of—should be justly solved. These exigencies caused attrition and trouble, but that is passing away year by year. Let us hope that this Government may be permitted to go on as it has in the past, that its people may be allowed to exercise the right which they have for more than a hundred years enjoyed here, that they may be trusted to carry on their State governments, and that they may not be held incapable of doing so.

Mr. President, suppose we do this, suppose we strike down the rights of the States, deny the sovereignty of the people, will we not have inflicted upon the whole American people a deadly wound, and upon the Constitution an evil infinitely greater than any local disturbance between whites and blacks or other kinds of people in any other part of the country? Is that to be overlooked? Are political exigencies to induce us to commit a greater crime than has ever been committed in local communities with reference to the right of suffrage by striking down the sovereignty of the States and of the people? It seems to me that we are in danger of committing the crime of crimes.

This Government is but a hundred years old, and yet it has come to be a recognized fact that money is controlling popular elections. It is alleged that members of Congress are elected by money. It is even insisted that a President has been elected by money. However this may be, the fact that money is recognized as an agency in elections by all political parties in this country is a palpable and it is a mournful fact. Rome held the name of a Republic for three hundred years after liberty was dead and despotism was enthroned.

They reached the point where the government was put up for sale to the highest bidder. I trust we are not to have our hired legions to take charge of this Government through the instrumentality of money. If we would avoid that, we must respect the Constitution, we must prevent and punish the use of corrupting means in all elections everywhere, but not through acts of Congress. Leave the several States of this Union to do that, and they will do it. They have encountered troubles. To-day, sir, in New Hampshire, in Nebraska, in Minnesota, in Colorado, in New Jersey, I believe, and in Connecticut, they are having political troubles. Are you going to pass a law of Congress to cure these troubles? I pray you, Mr. President, that that may not be done. Leave it to those people, and they will correct their own troubles. They will restore good and constitutional government in due time.

It seems to me that we have reached a time where the public mind as well as the political mind has been greatly debauched. We have reached a time when almost all classes of people look to Congress to legislate for the promotion of their personal fortunes. This has sprung from the fact that class legislation has enriched classes. Others have seen this, and they come in and say, "Now it is our turn to be enriched; we are in the majority." Whither are we drifting if this is to be the case? Are we to abandon the political government made for us by our fathers and establish a paternal government which shall take control of the personal fortune of each citizen? If we are, sir, farewell to liberty, and let the greatest robber get all he can.

I do not know what is to be the fate of this bill. I pray God for the good of our country, for the good of humanity, that this great Republic, standing as the great exemplar for the lovers of liberty all over the world, may not be stricken down in the house of its friends by the passage of such a law as this, that the world is not to be taught that the Senate of the United States believes the people of the American States incapable of self-government.

I pray not, Mr. President. I suppose life is as dear to me as it is to most people and those in near relation to me are as dear to me as to most people; but, as God is my judge to-night, if I could save the American people from this act by giving my life, I would surrender it as freely as I ever performed any act in my life. [Applause in the galleries.]